

## 2001 ORDINANCES

NUMBER	DATE	DESCRIPTION
2001-001	02/12/01	Amends Ord. 488, Rates and Charges for Sewers
2001-002	03/12/01	Amends Ord. 95-617, Cumulative Capital Improvement Fund
2001-003	03/12/01	Amends Ordinance on Federal Rate for Mileage
2001-004	03/12/01	Establishes Customer Application for Sewer & Water Service
2001-005	03/12/01	Amending Amount of Off Duty Court Pay for Police Officers
2001-006	03/12/01	Impoundment of Animals Found in Distress
2001-007		Closing of Alleyway at Adkins Court
2001-008	04/09/01	Amends Ord. 2000-013, No Parking on W. Utica St.
2001-009	04/09/01	Ordinance Amending 2001 Salary, Holiday and Longevity Pay
2001-010	04/09/01	Ordinance Re-zoning Property Located within Municipal Boundaries of Sellersburg
2001-011	04/09/01	Ordinance Regulating Transient Merchant's within the Town of Sellersburg
2001-012	04/09/01	Amends Ord. 94-603 and 509 Concerning Billing of Automatic Sprinklers
2001-013	04/09/01	Ordinance Regarding Sump Pump Drainage onto Public Streets
2001-014	04/09/01	Ordinance rescinding Section 2-21, Section 2-22 and Section 2-23 of the Town Code
2001-015	04/09/01	Amends Ord. 278 Regarding Door-to-Door Solicitation & Ord. 327, Street Vendors
2001-016	05/14/01	Amends Ord. 2001-004, Customer Application & Deposit Policy
2001-017	06/04/01	Ordinance Amending Sewer Tap Fees
2001-018	07/09/01	Ord. Amending Ord. 495, Terminating State of Indiana Deferred Compensation to AUL Deferred Compensation 457 Plan
2001-019	07/09/01	Ordinance Amending Ord. 2001-17
2001-020	07/09/01	Vacation Cut-Offs, Seasonable and Part-Time Residents on Water/Sewer
2001-021	09/20/01	Adoption of Budget for 2002
2001-022	09/20/01	Adoption of 2002 Salary, Holiday and Longevity Pay
2001-023	10/08/01	Ord. Enacting Code of Ordinance for Town Revising, Amending, Restating Existing General Ordinances
2001-024	11/12/01	Transfer of Appropriations for Park Board
2001-025	12/10/01	Amends Ord. 2001-004 and 2001-016, Water & Sewer Deposits
2001-026	12/10/01	Amends Ord. 2000-123 DENIED
2001-027	12/10/01	Amends Ord. 2000-024, Clothing/Uniform Allowance
2001-028	12/10/01	Transfer of Appropriations Regarding General Fund
2001-029	12/10/01	Transfer of Appropriations Regarding Police Department
2001-030	12/10/01	Establishment of Purchasing Policies for Town
2001-031	12/10/01	Establishing Purchasing Rules regarding Country of Origin
2001-032	12/10/01	Defining Small Business Set-Aside Purchases and Indiana Preferences in Regard to Purchasing Rule
2001-033	12/10/01	Establishing Purchasing Agency and Purchasing Agent and Matters Relating Thereto.
2001-034	12/10/01	Establishing Purchasing Rules and Policies in Town
2001-035	12/10/01	Ordinance for Insurance for Elected and Appointed Officers-DENIED

ORDINANCE NO. 2001-001

ORDINANCE AMENDING ORDINANCE NO. 488 CHANGING A SCHEDULE OF RATES  
AND CHARGES TO BE COLLECTED BY THE TOWN OF SELLERSBURG FROM  
OWNERS OF PROPERTY SERVED BY THE SEWER WORKS OF SAID TOWN AND  
OTHER MATTERS CONNECTED THEREWITH

FINAL PROPOSAL

WHEREAS, the Town Council for the Town of Sellersburg did on December 10, 1990 pass Ordinance No. 488 establishing a schedule of rates and charges to be collected by the Town of Sellersburg from owners of property served by the sewage works of the Town of Sellersburg and other matters connected therewith; and

WHEREAS, the Town Council for the Town of Sellersburg is authorized pursuant to I.C. 36-9-25-11 to change the fees associated with the treatment and disposal of sewage and other waste discharged into the sewer system, in an amount which is sufficient to procedure revenue sufficient to pay operation, maintenance, and administrative expenses as well as to pay the principal and interest on bonds and they become due and payable, and to provide money for the revolving funds authorized under I.C. 36-9-25;

WHEREAS, the Town Council for the Town of Sellersburg has determined that the schedule of rates and charges to be collected by the Town of Sellersburg for owners of property served by the sewage works of the Town should be changed in regard to residents inside the Town and those residents outside the Town which receive sewer service by the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg engaged the services of a certified public accounts, H.J. Umbaugh & Associates to determine if such a rate increase is justified based upon the current financial condition of the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has received information from H.J. Umbaugh & Associates which justifies the amendment of Ordinance No. 488 establishing a different scheduled rates and charges to be collected by the Town of Sellersburg for owners of property served by the sewage works which are outside of the municipal limits of the Town as well as those rates and charges to be collected for those owners of property served by the sewage works which are inside the municipal limits; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the amendments to said ordinance are necessary for the efficient and effective administration of Town government; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate.

BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that Section III a (1) and (2), and Section III b of Ordinance No. 488 shall be and hereby is amended as follows:

1. Treatment Rate: Per 1,000 gallons of usage per month: \$3.80
2. Metered water users rate shall be amended to read as follows:

Base Rate per month

Total Monthly Base Rate

<u>Water Meter Size</u>	<u>Users Inside the Corporate Limits Of the Town of Sellersburg, Indiana</u>	<u>Users Outside the Corporate Limits of the Town of Sellersburg, Indiana</u>
5/8" – 3/4"	\$ 8.85	\$ 16.45

1"	\$ 19.65	\$ 27.25
1 ½"	\$ 43.45	\$ 51.05
2"	\$ 73.65	\$ 81.25
3"	\$167.25	\$174.85
4"	\$289.65	\$297.25
6"	\$656.85	\$664.45

3. Unmetered water users: All residential users shall be charged the following monthly rate based upon a monthly base rate and average flow per month:

Total Monthly Rate

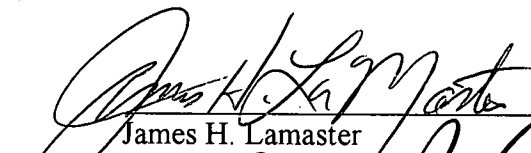
	Users Inside the Corporate Limits of the Town of <u>Sellersburg, Indiana</u>	Users Outside the Corporate Limits of the Town of <u>Sellersburg, Indiana</u>
Single Family Users	\$ 29.40	\$ 37.00

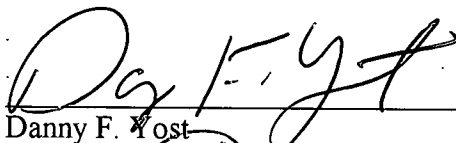
4. The rates and charges as herein set forth shall become effective for all customers of the Town (connected or to be connected) on the first billing period after final passage of the herein Ordinance.

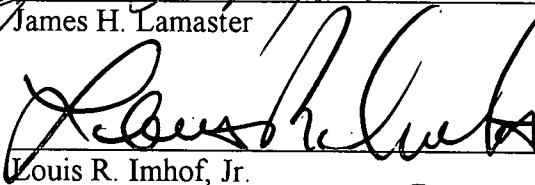
Approved on the first reading dated January 17, 2001.


Approved on a second reading after public hearing on February 12, 2001.

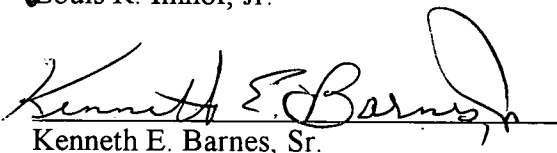
SO ORDAINED THIS 12<sup>th</sup> DAY OF February, 2000.

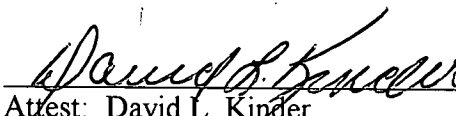
  
James H. Lamaster

  
Danny F. Fost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001-002

ORDINANCE AMENDING ORDINANCE 95-617 REQUIRING THE RENEWAL OF THE CUMULATIVE CAPITAL DEVELOPMENT FUND EVERY THREE YEARS

WHEREAS, the Town Council for the Town of Sellersburg did on or about May 22, 1995 pass Ordinance 95-617 authorizing renewal of the Cumulative Capital Development Fund for the Town of Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg has determined it is no longer necessary for the Town to renew the Cumulative Capital Development Fund every three (3) years as the law now governing the Cumulative Capital Development Fund renewal has been changed; and

WHEREAS, the Town Council for the Town of Sellersburg desires to bring its current Ordinance into compliance with Indiana Law; and

WHEREAS, the Town Council for the Town of Sellersburg has determined the herein Ordinance is necessary for the efficient and effective administration of Town government; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;

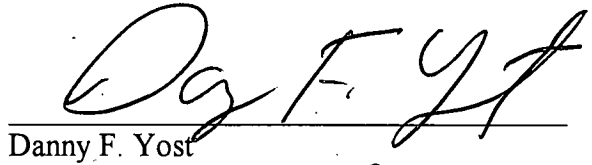
BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg, Ordinance number 95-617 concerning the Town of Sellersburg Cumulative Capital Development Fund shall be and hereby is amended to delete from its provisions the need to renew the Cumulative Capital Development Fund every three (3) years as this is no longer the law in the State of Indiana;

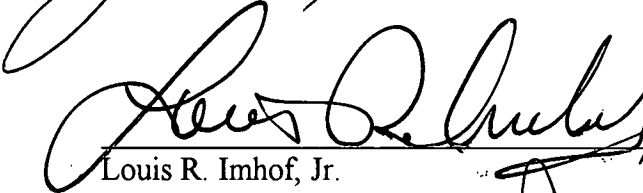
BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg that all other Ordinance number 95-617, shall remain in full force and effect as it concerns the tax levy to be imposed for the Town's Cumulative Capital Development Fund.

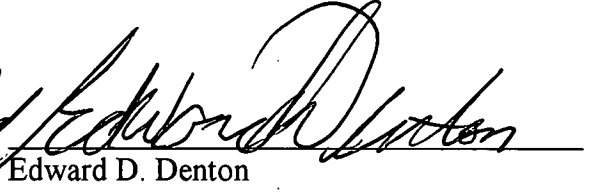
BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg that all other provisions of Ordinance number 95-617 which are not inconsistent herewith shall remain in full force and effect without modification.

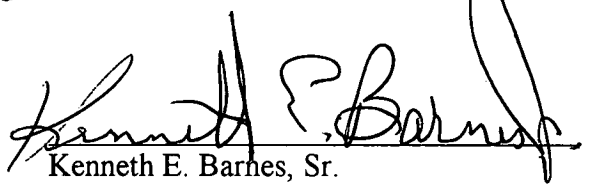
So ordained this 12 day of MARCH, 2001.


  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001-003

ORDINANCE AMENDING SECTION 2-108 CONCERNING  
ADOPTING THE FEDERAL RATES FOR THE REIMBURSEMENT OF MILEAGE

WHEREAS, the Town Council for the Town of Sellersburg previously adopted the State of Indiana rate for reimbursement of mileage; and

WHEREAS, the Town Council for the Town of Sellersburg has determined the Town should adopt the federal rate for reimbursement of mileage; and

WHEREAS, the Town Council for the Town of Sellersburg believes the herein ordinance is necessary for the efficient and effective administration of Town government; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate.

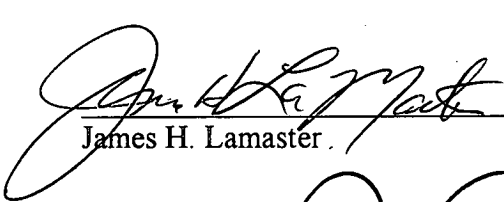
BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg as follows:

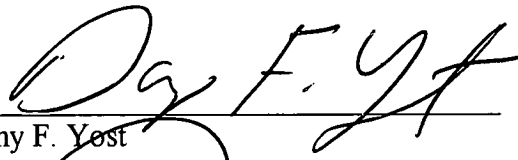
1. Section 2-108 shall be and hereby is amended whereby the Town of Sellersburg shall adopt the federal rate for reimbursement of mileage; further said mileage rate shall be applied and used by the Town of Sellersburg in all instances where mileage reimbursement claims are submitted for payment.

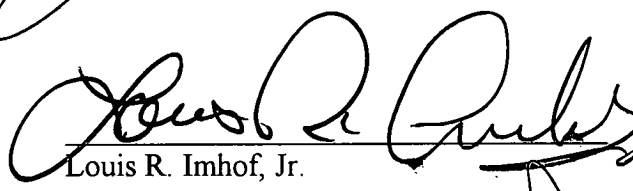
BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg all the provisions of Ordinance Number 95-632 not inconsistent herewith shall remain in full force and

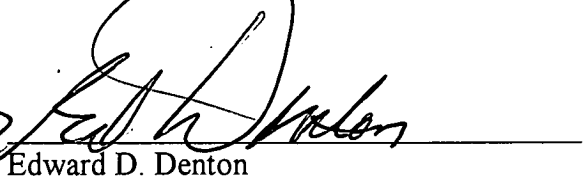
effect without modification.

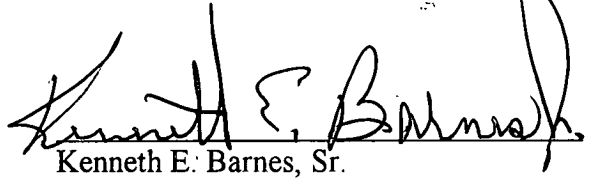
So ordained this 12 day of MARCH, 2001.

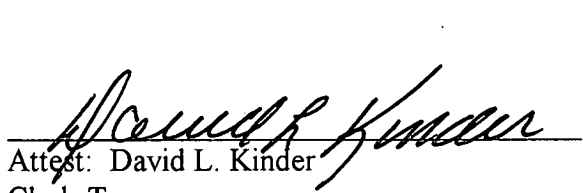
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer



ORDINANCE NO. 2001-004

ORDINANCE ESTABLISHING A CUSTOMER APPLICATION AND DEPOSIT POLICY  
FOR THE TOWN OF SELLERSBURG WATER AND SEWER SERVICE

WHEREAS, the Town Council for the Town of Sellersburg has a responsibility to its rate payors to maintain the lowest possible rates and charges; and

WHEREAS, the Town Council for the Town of Sellersburg realizes that associated with said responsibility is the minimization of bad debt; and

WHEREAS, the Town Council for the Town of Sellersburg is aware the utilities services adopted resolution establishing a policy regarding the application of water/sewer services and for customer payment guaranteed deposits; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the herein Ordinance is necessary for the efficient and effective administration of Town government; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate.

BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg as follows:

SECTION 1. Sellersburg, Indiana, hereby establishes a policy regarding the application for utility services and for customer payment guarantee deposits as stated below:

CUSTOMER APPLICATION & DEPOSIT POLICY

GENERAL

New or moving customers applying for water/sewer service SHALL DO SO IN PERSON at the Business Office; and SHALL put down a cash deposit as specified below, before any utility service will be rendered.

When submitting the "Application for Water/Sewer Service", the applicant will be asked for social security number and picture identification (driver's license preferred), as well as the county tax key number for the property. This is necessary to aid in the collection process, if necessary, and to eliminate possible falsification of who is actually living at the service address. The Business Office will make a copy of the proof document and attach it to the application form.

If the applicant is renting, the Property Owner or Manager SHALL sign the "Landlord Certification" section of the application. The Business Office will sign the application, which acknowledges receipt of the completed application, and compliance with the policy as stated herein. A copy will then be mailed to the Property Owner or Manager advising that his tenant has applied for water/sewer service.

After reviewing the application for completeness, the Business Office will determine the deposit requirement, if any, and review computer and/or other records to verify that the applicant has no previous history of being past due and for any previous account balances that may still be due.

Upon payment of any required cash deposit, a receipt will be issued to the applicant.

#### DEPOSIT REQUIREMENTS

Customer type	Water	Sewer
Residential – Rental	\$30.00	\$50.00
Residential – Owner Occupied	\$30.00	\$50.00
Commercial, Institutional Industrial and Governmental	15% of the previous active twelve (12) month's charges, including taxes, (rounded to the nearest \$100) at the service address for each service. If the Service is new at the address; the twelve (12) month's charges will be estimated based upon the type and size of the customer as compared to similar types and sizes of customers. Deposits are subject to periodic review, after which, the deposit may be adjusted to more accurately reflect the 15% requirement.	

#### RESIDENTIAL – GENERAL

When a previously terminated account (owner-occupied or renter) returns to establish a new account after a period of time has elapsed, the deposit on those accounts which have previously established a negative credit history (see below for "History Defined") with Sellersburg Utilities, may be double the regular deposit as stated above AND any amounts previously written off as bad debts MUST be paid AND collection or legal fees paid to outside agencies MUST be reimbursed before a new account will be established.

If an active account (owner occupied or renter) continually becomes or remains past due (determined by multiple application and penalty charges against the account), or service has been disconnected due to non-payment, a deposit equal to double the schedule established above may be required for continuation or reestablishment of service.

## RESIDENTIAL – RENTAL

A Residential Rental deposit shall always be required before utility service will be rendered.

When a rental account moves to a new account, a new "Application for Water/Sewer Service" shall be required. The old deposit normally shall be transferred to the new account. If, however, the customer has developed a history of being past due (see below for "History Defined"), the old deposit shall stay with the old account and a new deposit shall be required for the new account. In this event, the deposit required on the new account may be double the regular deposit requirement. The old deposit will be applied to the current and final bills of the old account, and the balance, if any, will be refunded. If the old account is past due on the moving date, a new account will not be established until the old account is brought current. If, after the final bill is prepared, the old deposit is not sufficient to cover the remaining charges on the old account and the old account becomes past due, the new account will be subject to service termination as though the two accounts were one.

If the new account has different services than the old account, the new account's deposit requirements must be attained. A reduction in the requirement may result in a partial refund of the deposit.

When planning a move, the Utility Business Office should be given sufficient notice so that services can be terminated on the planned date of vacating the premises.

## NON-RESIDENTIAL – GENERAL

Commercial, Industrial, Governmental, and Institutional accounts shall be required to put down a deposit before utility service(s) will be rendered.

If an account continually becomes or remains past due (determined by multiple application of penalty charges against the account), a deposit equal to double the schedule established above may be required for continuation of services.

If an account is disconnected because of non-payment, the deposit shall be used to pay all existing charges. Upon re-establishing the required deposit balance shall be required in order to increase the amount covered, the payment of reconnect charges and the payment of any charges not covered by the deposit before services will be restored.

## HISTORY DEFINED

Having a "history of being past due" or a "negative credit history" is hereby defined as follows:

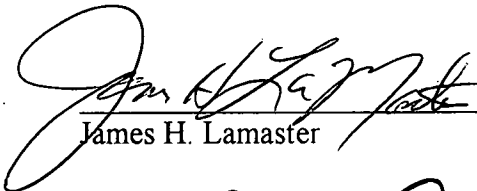
1. Having been past due on more than one (1) occurrence during the proceeding twelve (12)-month period.
2. Having any service disconnected as a result of non-payment during the proceeding twenty-four (24) month period. and/or

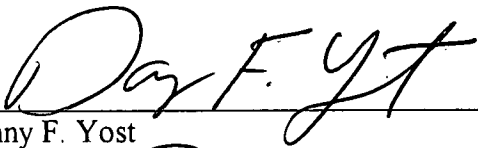
3. Being past due on the date service is terminated. (This includes those customers who request service be terminated at one location and connected at a new location as a result of moving to said new location.)

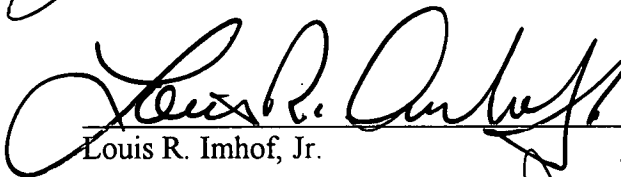
### REFUNDING OF DEPOSITS AND THE PAYMENT OF INTEREST

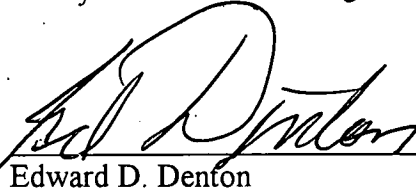
1. Cash deposits will be applied to the customer's Final Bill after which the balance, if any, will be refunded. Any balance due after application of the deposit shall be due and payable on or before the date specified on the Final Bill.
2. If a given utility has a deposit balance remaining after the utilities charges are satisfied, said balance shall be applied to other utility charges not so satisfied before any amount of the deposit is refunded.
3. Interest will NOT be paid on any part of the deposit.

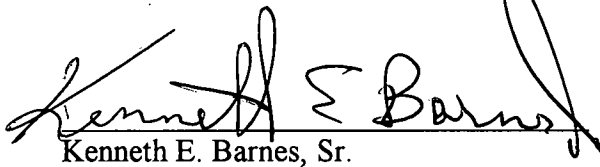
Copies of this policy and related forms will be available at the Utility Business Office.


  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001-005

ORDINANCE AMENDING THE AMOUNT OF OFFICER COURT PAY

WHEREAS, the Town Council for the Town of Sellersburg has been notified by its Chief of Police the current method by which police officers are compensated for court appearances is inadequate; and

WHEREAS, the Town Council for the Town of Sellersburg is cognizant police officers of the Town of Sellersburg Police Department are required from time to time to appear in court as witnesses; and

WHEREAS, the Town Council for the Town of Sellersburg has determined the current amount of police officer court pay should be amended as requested by the Chief of Police; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the herein ordinance is necessary for the efficient and effective administration of Town government; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;

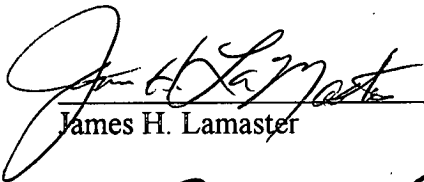
BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg as follows:

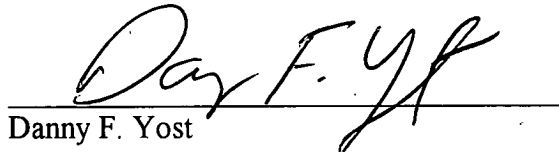
1. The rate of pay which shall be paid to an officer of the Town of Sellersburg Police Department for court appearances shall be and hereby is changed to the amount of One Hundred Fifty Dollars (\$150.00) per year, per officer, per year, said amount to be paid in a lump sum, payable the first pay period in December:

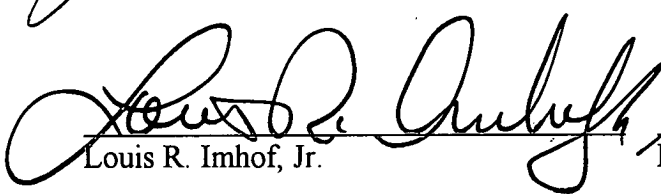
BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg the Town Council shall budget and appropriate for said amount during the budgetary process.

BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg that  
said change and amendment to the officer court pay amount shall be and hereby is made  
retroactive to January 1, 2001.

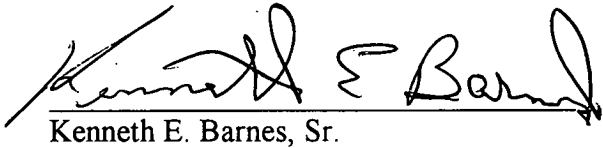
So ordained this 12 day of MARCH, 2001.

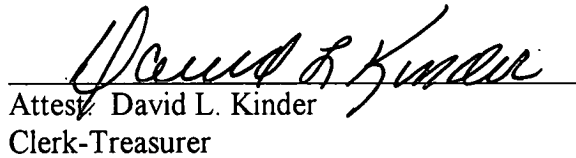
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001-006

ORDINANCE CONCERNING THE IMPOUNDMENT OF ANIMALS FOUND IN DISTRESS  
AND AUTHORITY FOR ANIMAL CONTROL OFFICER OR LAW ENFORCEMENT  
OFFICIAL TO IMPOUND AND REMOVE ANIMAL FROM THE CUSTODY OF ANY  
INDIVIDUAL ALLEGED TO HAVE VIOLATED I.C. 35-46-3-6

WHEREAS, the Town Council for the Town of Sellersburg has been requested by its Animal Control Officer to adopt local legislation to address domesticated animal(s) found in distress; and

WHEREAS, the purpose of the herein ordinance is to provide a means by which neglected, abandoned, mistreated animals, or animals treated in a non-humane manner can be removed and impounded from their protection and taken to an animal shelter for proper care; and

WHEREAS, the herein ordinance shall cover all instances of neglect, abandonment, mistreatment or treatment in a non-humane manner including those offences under I.C. 35-46-3-7 concerning abandonment or neglect of vertebrate animals and I.C. 35-46-3-12 regarding torture or mutilation of a vertebrate animal; and

WHEREAS, the Town Council for the Town of Sellersburg adopts and incorporates herein the provisions of I.C. 35-46-3-6 as it concerns the impoundment of animals, probable cause hearing, penalties and award of custody of animals; and

WHEREAS, the Town Council for the Town of Sellersburg has determine that any law enforcement officer or animal control officer may lawfully take custody of any animal found abandoned or in distress, upon public or private property by removing the animal from its present location and taking the animal to an animal shelter for proper protection and care; and

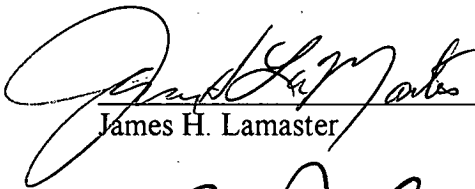
WHEREAS, the Town Council for the Town of Sellersburg determined that the owner, keeper, or harbor of such animal impounded shall be responsible for any costs and fees associated with the pick up and boarding required by an animal control shelter; and

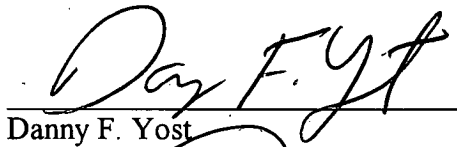
WHEREAS the Town Council for the Town of Sellersburg any such animal taken into custody under the herein Ordinance shall be held by the animal control shelter for the same length of time as if the animal was a stray; and

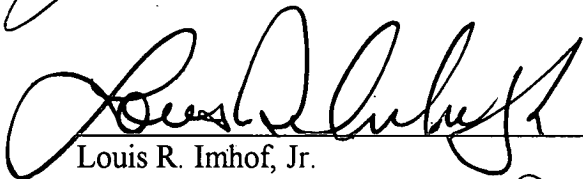
WHEREAS, the Town Council for the Town of Sellersburg considered this matter at an open meeting to which the public were invited to attend and participate; and

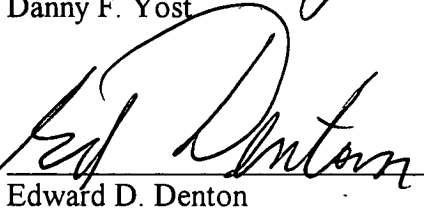
WHEREAS, the Town Council for the Town of Sellersburg has determined that this ordinance is necessary for the effective and efficient administration of Town government.

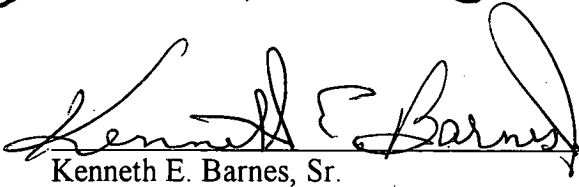
SO ORDAINED THIS 12 day of MARCH, 2001.

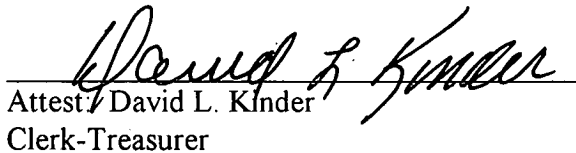
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest David L. Kinder  
Clerk-Treasurer



ORDINANCE NO. 2001-008

ORDINANCE AMENDING ORDINANCE NO. 2000-013 CONCERNING A NO PARKING ZONE ON WEST UTICA STREET, SELLERSBURG, INDIANA

WHEREAS, the Town Council for the Town of Sellersburg did on the 11th day of September, 2000 enact a no parking of vehicles ordinance on West Utica Street, Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that said ordinance should be amended in order to deal with traffic congestion along West Utica Street, Sellersburg, Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg has determined the herein amended ordinance is necessary for the efficient and effective administration of Town government and the safety of the Town of Sellersburg residents; and

WHEREAS, the Town Council for the Town of Sellersburg has conferred with the Town of Sellersburg Chief of Police in regard to the herein ordinance and has been advised that the herein ordinance is in the best interest of the residents of the Town of Sellersburg; and

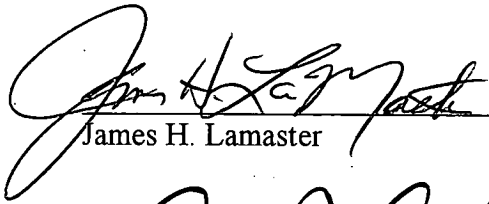
WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;

BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that ordinance number 2000-013 shall be and hereby is amended as follows:

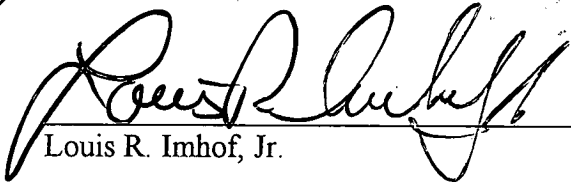
There shall be a no parking zone on both sides of West Utica Street beginning at Indiana Avenue (US 31) extending West on West Utica Street to a point within 110 feet of Ehringer

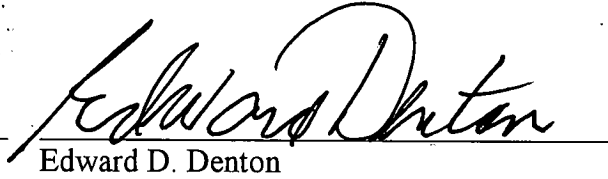
Street and shall be effective and enforced seven (7) days a week

So ordained this 9th day of April, 2001.

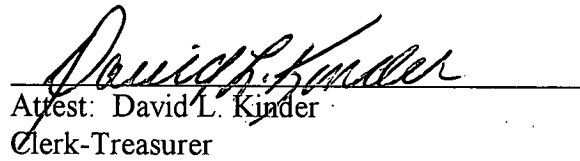
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

\_\_\_\_\_  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE 2001-009

ORDINANCE AMENDING 2001 SALARY, HOLIDAY AND LONGEVITY PAY

WHEREAS, the Town Council for the Town of Sellersburg did on the 18<sup>th</sup> day of September, 2000 pass Ordinance number 2000-15 concerning the 2001 Salary, Holiday and Longevity Pay for employees of the Town of Sellersburg including the Town of Sellersburg Police Department; and

WHEREAS, the Town Council for the Town of Sellersburg has been advised by the Town of Sellersburg Clerk Treasurer that an amendment to said ordinance is necessary at this time; and

WHEREAS, the Town Council for the Town of Sellersburg has been advised that the salary for the Assistant Chief of Police must be amended; and

WHEREAS, the Town Council for the Town of Sellersburg has considered this matter at an open meeting to which the public were invited to attend and participate; and

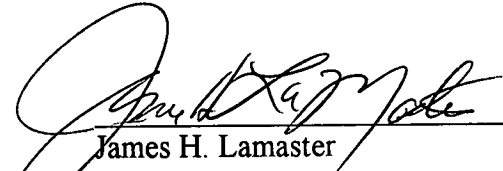
WHEREAS, the Town Council for the Town of Sellersburg has determined that the herein amendment to ordinance 2000-15 is necessary for the efficient and effective administration of Town government and is in the best interest of the Town of Sellersburg;

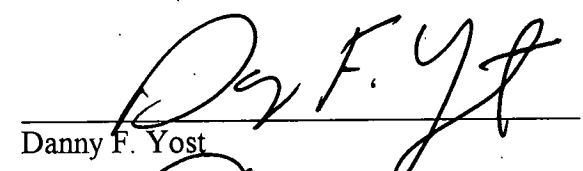
BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of

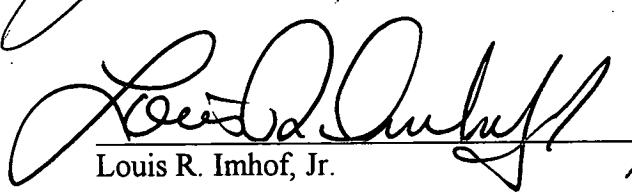
Sellersburg that ordinance number 2000-15 shall be and hereby is amended as follows:

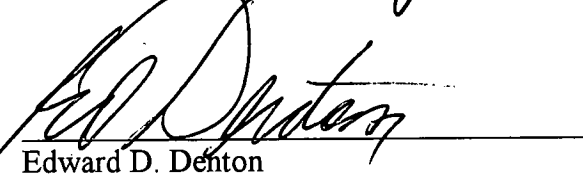
	<u>SALARY</u>	<u>HOLIDAY</u>	<u>LONGEVITY</u>
Assistant Chief	36920.00(17.75)	1278.00	-0-

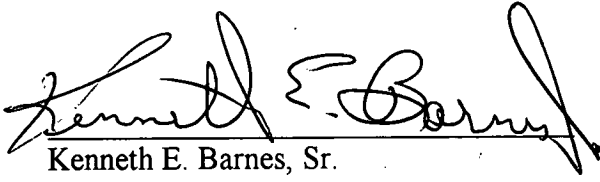
So ordained this 9 day of APRIL, 2001.


  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001- 010

ORDINANCE REZONING PROPERTY LOCATED WITHIN THE MUNICIPAL  
BOUNDARIES OF THE TOWN OF SELLERSBURG

WHEREAS, William David Kummer has filed a petition with the Sellersburg Planning Commission to rezone property located at 616 E. Utica Street, Sellersburg, Indiana from R-1 to B-2; and

WHEREAS, William David Kummer's Petition for rezoning has been recommended for approval by the Sellersburg Planning Commission Board to rezone said property from R-1 to B-2; and

WHEREAS, William David Kummer has issued proper legal notice advertising a public hearing on his petition for rezoning which was held on March 12, 2001; and

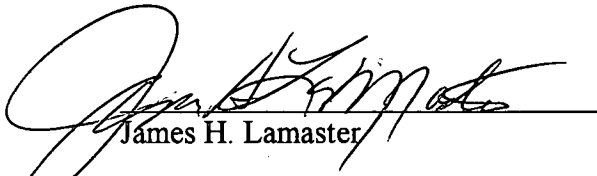
WHEREAS, the Town Council for the Town of Sellersburg has hereby determined that rezoning of said property as requested in said petition should be granted; and


WHEREAS, the Town Council for the Town of Sellersburg believes that said rezoning is in the best interest of municipal government;


BE IT THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that property located at 616 E. Utica Street more particularly described as parts of lots one (1), two (2), and three (3) of Dold and Popp's Addition to Sellersburg, Plat Book 3, page 70, Clark County, Indiana, shall be and hereby is rezoned from R-1 to B-2. (A copy of Survey attached hereto and incorporated herein). The effective date of said rezoning is the date of the passage of


the herein ordinance.

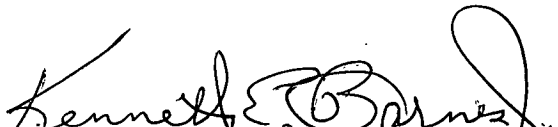
So ordained this 9<sup>th</sup> day of April, 2001.


  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

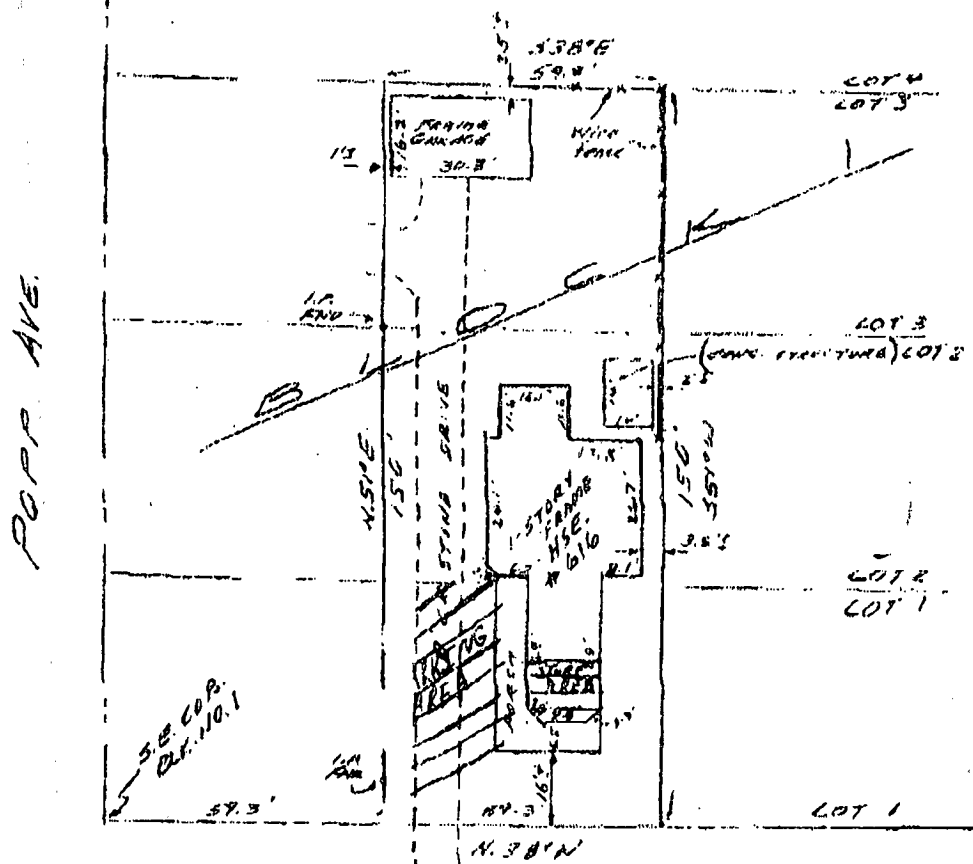
  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

# Surveyor Location Report - Indiana

THIS REPORT IS DESIGNED FOR USE BY A TITLE INSURANCE COMPANY WITH A REQUIREMENT TO OBTAIN A FLOOD HAZARD CERTIFICATE AND THE LOCATION IS SHOWN AS BASED ON LIMITED SURVEYOR MEASUREMENTS. NO LIABILITY IS ASSUMED BY THE SURVEYOR FOR ANY USE OF THE DATA FOR CONSTRUCTION OF NEW IMPROVEMENTS OR FENCING.



E. UTICA ST.

PART OF LOTS 1, 2, & 3 OF DOLD & POPP'S ADDITION TO SELLSBURG, PLAY BOOK 3, PAGE 10, CLARK COUNTY, INDIANA.

NEW OWNER - CHRISTOPHER D. KUMMER

PROPERTY ADDRESS - 616 E. UTICA STREET., SELLSBURG, IN. 47172

Scale: 1" = 50'  
MAY 22, 1996

HEREBY CERTIFY TO THE OWNER NAMED ABOVE, AND TO THAT OWNER'S TITLE INSURANCE COMPANY, THAT THE REAL ESTATE SHOWN AND DESCRIBED ON THIS DRAWING WAS INSPECTED UNDER MY SUPERVISION ON THE DATE INDICATED AND THAT TO THE BEST OF MY KNOWLEDGE AND BELIEF, THIS REPORT CONFORMS WITH THE REQUIREMENTS OF IACS IAC 1-12 SECTIONS 17, 20 AND 28. I FURTHER CERTIFY THAT I HAVE INSPECTED THE FLOOD INSURANCE RATE MAP NUMBER 180089, DATED 8-1-80, AND THAT BASED ON THAT EXAMINATION, THE SUBJECT PROPERTY IS NOT LOCATED IN ZONE A. THIS FLOOD HAZARD CERTIFICATE'S ACCURACY IS SUBJECT TO THE UNCERTAINTY IN LOCATION OR ELEVATION OF THE REFERENCED FLOOD MAP.



*Thomas J. Roofter*  
THOMAS J. ROOFTER, P.L.S.

CERTIFICATION DATE 5-22-96

T. J. ROOFTER, Civil Engineer and Land Surveyor  
207 W. Spring Street, New Albany, Indiana

ORDINANCE NO. 2001-011

ORDINANCE REGULATING TRANSIENT MERCHANTS  
WITHIN THE TOWN OF SELLERSBURG, INDIANA

WHEREAS, the Town of Sellersburg, Indiana, is authorized through its Town Council to tax, license and regulate transient merchants within the Town, pursuant to I.C. 25-37-1-1, et seq.; and

WHEREAS, the Town Council for the Town of Sellersburg has discussed said regulations at a public meeting; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the herein Ordinance is necessary for the efficient and effective administration of Town government;

BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg as follows:

1. The term "transient merchant" shall have the meaning as set forth in I.C. 25-37-1-
- 2.
2. Any transient merchant desiring to transact business within the Town of Sellersburg, Indiana, shall file an application for a license for that purpose with the Office of the Clerk Treasurer or Building Commissioner for the Town of Sellersburg, Indiana. Said application shall meet the requirements of I.C. 25-37-1-4.
3. The applicant desiring to file an application with the Town for a transient merchant license shall pay to the Office of the Building Commissioner or Clerk-Treasurer a license fee in the amount of One Hundred Dollars (\$100.00) for each six (6) month period in which the applicant proposes to transact business in the Town.

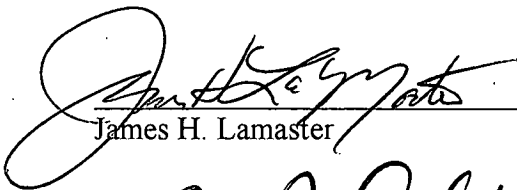


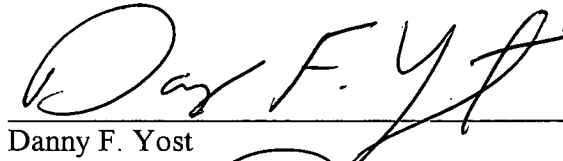
4. A transient merchant who transacts business without first having obtained a license pursuant to the herein ordinance or who knowingly advertises, offers for sale, or sells any goods, wares or merchandise contrary to this ordinance commits an ordinance violation. For each day a violation occurs the transient merchant shall be subject to a fine not to exceed Two Thousand Five Hundred Dollars (\$2,500.00) for each violation.

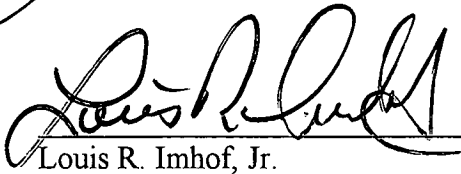
5. This ordinance may be enforced through the issuance of a citation by the Building Commissioner's Office or by reserve or regular police officer. Any such citation shall be filed in a Court of appropriate jurisdiction.

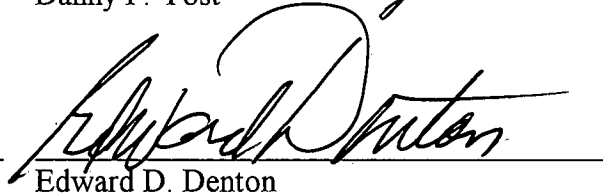
6. That all license fees collected for transient merchant application shall be deposited in the Town's general fund.

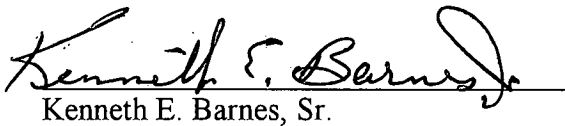
SO ORDAINED this 9<sup>th</sup> day of APRIL, 2001.

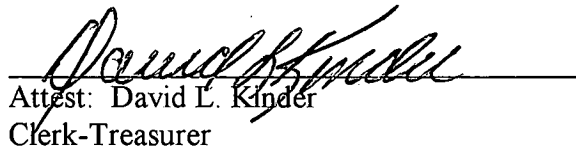
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001- 012

ORDINANCE AMENDING ORDINANCE NO. 94-603 AND NO. 509  
AS IT CONCERNS BILLING FOR AUTOMATIC LAWN SPRINKLERS

WHEREAS, the Town Council for the Town of Sellersburg currently has in place regulations concerning the billing for automatic sprinklers systems; and

WHEREAS, the Town Council for the Town of Sellersburg has been advised by its Clerk Treasurer that said billing practice is impractical; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that it is necessary to amend said Ordinance in order to allow for efficient billing of automatic sprinkler systems; and

WHEREAS, the Town Council for the Town of Sellersburg desires not to charge resident users of the Town of Sellersburg sanitary sewer system for outdoor water usage during the summer months for sprinkling, gardening, and other outdoor purposes during which the water does not pass through the sanitary system; and

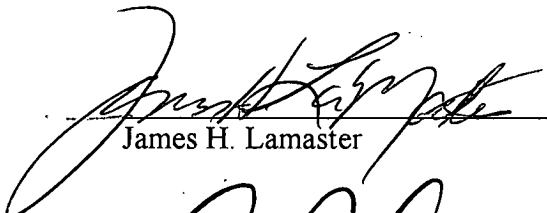
WHEREAS, the Town Council for the Town of Sellersburg has determined that the amendment to said Ordinance is necessary for the efficient and effective administration of Town government; and

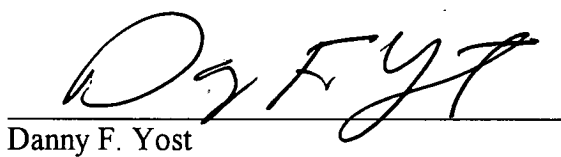
WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate.

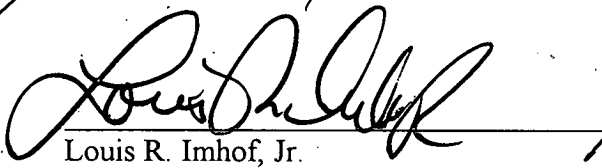
BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that a "sprinkling rate" shall be established and charged to residential users of the Town of Sellersburg sanitary sewer system using additional water during May, June, July, August, and September, for outdoor purposes such as sprinkling, gardening, and other outdoor

uses, since water used for such purposes does not pass through the sanitary sewer system. The sprinkling rate for the specified summer months shall be calculated as follows:

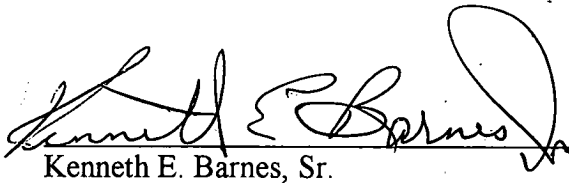
1. In the event that water usage for the months of May, June, July, August and September is greater than the average amount of water used by such residence during October, November, December, January, February, and March of the preceding year, then billing for sewage service for July, August and September shall be based upon the average of the water usage during the above stated fall and winter months.
2. In the event that water usage is less during the summer months of May, June, July, August and September, then billing shall be based upon the actual water usage in those months.
3. "Residential" sewage services in regard to the sprinkling rate set forth above shall apply to each lot, parcel of real estate or building which is occupied and used solely as a residence. The sprinkling rate does not apply to any premises which is partially or wholly used for commercial or industrial purposes-including, but not limited to: hotels/motels, retirement/nursing home facilities, rooming house, apartment complexes, resident training or educational facilities, or other commercial properties housing groups of individuals.


  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kipder  
Clerk-Treasurer

ORDINANCE NO. 2001-013

ORDINANCE REGARDING SUMP PUMP DRAINAGE ONTO PUBLIC STREET

WHEREAS, the Town Council for the Town of Sellersburg has been notified by the Head of the Town of Sellersburg Street Department in regard to the drainage of sump pumps onto the public streets of the Town of Sellersburg which drain into the storm sewers creating a safety hazard during freezing; and

WHEREAS, the Town Council for the Town of Sellersburg has been notified by the Head of the Town of Sellersburg Street Department that said practice during the winter months when temperatures reach freezing or below causes a safety hazard on various streets in the Town of Sellersburg onto which sump pumps drain; and

WHEREAS, the Town Council for the Town of Sellersburg has determined the drainage of sump pumps onto the public streets of the Town of Sellersburg during the winter months when temperatures reach freezing or below poses a safety hazard and danger to persons and vehicles on the public streets; and

WHEREAS, the Town Council for the Town of Sellersburg has determined the herein ordinance should be in acted to prevent the drainage of sump pumps onto the public streets for drainage into the storm sewer because of the hazards that said drainage causes to traffic and persons on the public roadways during the winter months when temperatures are freezing or below; and

WHEREAS, the Town Council for the Town of Sellersburg has determined each household where sump pumps drain onto a public street of the Town of Sellersburg shall be reviewed and evaluated on a case by case basis to determine if said sump pump drainage location

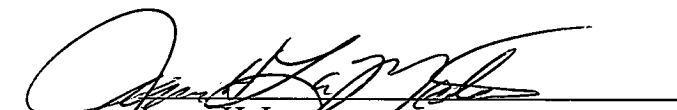
proposes a hazard to traffic or individuals on the public streets of the Town of Sellersburg during the winter months when temperatures are freezing or below; and

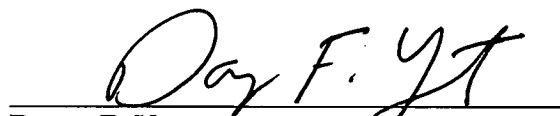
WHEREAS, the Town Council for the Town of Sellersburg has determined if the household's sump pump drainage is determined to be a hazard to other traffic and persons on the roadways of the Town of Sellersburg during the winter months temperatures cause freezing, the individual causing said drainage on the roadway should be notified to stop said sump pump drainage on the public street immediately; and


WHEREAS, the Town Council for the Town of Sellersburg has determined the failure to comply shall be addressed and handled as if said sump pump drainage constitutes a nuisance, whereupon a citation shall be issued; and

WHEREAS, the Town Council for the Town of Sellersburg has determined the minimum fine to be assessed for violation of the herein ordinance shall be no less than \$25.00 per day up to \$100.00 per day not to exceed maximum of \$2,500.00.


So ordained this 9<sup>th</sup> day of April, 2001.


  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE 2001- 014

ORDINANCE RESCINDING SECTION 2-21, SECTION 2-22,  
AND SECTION 2-23, OF THE SELLERSBURG TOWN CODE

WHEREAS, the Town Council for the Town of Sellersburg has determined that Section 2-21, Section 2-22, and Section 2-23 must be rescinded as the Town has entered into different contract provisions with the new Building Commissioner for the Town of Sellersburg; and


WHEREAS, the Town Council for the Town of Sellersburg has determined said amendment to the Ordinance is necessary for the efficient and effective administration of Town government; and


WHEREAS, the Town Council for the Town of Sellersburg has determined this matter at an open meeting to which the public were invited to attend and participate;

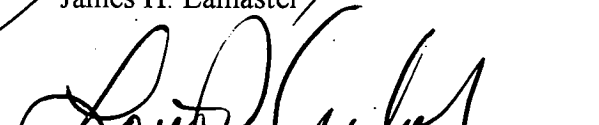
BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that Section 2-21, Section 2-22, and Section 2-23 of the Sellersburg Town Code originally enacted pursuant to Ordinance Number 92-520 shall be and hereby are rescinded.

BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg all other provisions of Ordinance Number 92-520 not inconsistent herewith shall remain in full force and effect without modification.

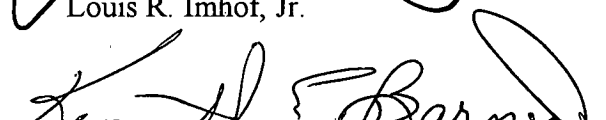
So ordained this 9<sup>th</sup> day of April, 2001.


  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NUMBER 2001-015

ORDINANCE AMENDING ORDINANCE 278  
REGARDING DOOR TO DOOR SOLICITING AND  
ORDINANCE 327 REGARDING STREET VENDORS

WHEREAS, come the Town Council for the Town of Sellersburg has in place ordinances to govern door to door solicitation and street vending in the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg believes that said ordinances are out dated; and

WHEREAS, the Town Council for the Town of Sellersburg determine that amendment to said ordinance is necessary for the efficient and effective administration of Town government; and

WHEREAS, the Town Council for the Town of Sellersburg consider this matter an open meeting at which the public were invited to attend and participate;

BE IT THEREFORE NOW ORDAINED by the Town Council of the Town of Sellersburg as follows:

**PEDDLERS AND SOLICITORS**

**LICENSE REQUIRED.**

(A) It shall be unlawful for any person, firm or corporation to engage in the business of hawker or direct seller of any merchandise, article, or thing without having first secured a license therefore.

(B) It shall be unlawful for any person to engage in business as a canvasser or solicitor, calling at a residence without previous consent of the occupant for the purpose of soliciting orders, sales, subscriptions or business of any kind, or seeking information or donations without having secured a license.

**APPLICATION FOR LICENSE.**

Applications for licenses as direct sellers, solicitors or canvassers shall be made to the Town of Sellersburg Clerk-Treasurer. The applicant shall give his complete identification, his signature, the name of his employer, the nature of the product or services in which he is interested, the names of the manufacturers of the products or of the organization he is representing and the proposed method of operation in the Town. The applicant shall state the description and the number of vehicles, if any, intended to be operated, in direct selling, soliciting or canvassing in the Town. The licensing fee shall

be \$100.00 per direct seller, solicitor or canvasser and those funds collected for license fees shall be maintained in the Town of Sellersburg general fund.

#### **PERIOD OF VALIDITY.**

The license shall be valid for a period expiring 180 days after the date of registration and licensing by the Town of Sellersburg Clerk-Treasurer.

#### **LOCATION SPECIFIED WHERE DIRECT SELLING PERMITTED.**

No direct sellers shall ply his vacation on any street, sidewalk, park, parkway or in any other public place in the Town unless his direct seller's license specifies that direct selling in such public places is permitted there under.

#### **MISREPRESENTATION OF GOODS OR MERCHANDISE.**

Any licensed direct sellers, solicitor or canvasser who shall be guilty of any fraud, cheating or misrepresentation, whether through himself or through an employee, while acting as a direct seller, solicitor or canvasser in the Town, or who shall barter or sell any goods, merchandise or wares, other than those specified in his application for license, shall be deemed guilty of a violation of this chapter.

### **ICE CREAM TRUCKS**

#### **DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or requires a different meaning.

**ICE CREAM TRUCK.** Every motor vehicle in which ice cream, popsicles, ice sherbets or frozen desserts of any kind are carried for purposes of retail sale on the Town streets.

**OPERATOR.** Every person, firm or corporation who owns, leases, contracts or in any other fashion permits a person to operate on the Town streets any ice cream truck for the purpose of vending as defined herein.

**PERSON.** Includes every driver of such vehicle as defined herein.

**VEND or VENDING.** Offering ice cream, popsicles, ice sherbets or frozen desserts for sale from a motor vehicle on the Town streets.

#### **DUTY OF DRIVER OF VEHICLE.**

(A) The driver of a vehicle meeting or overtaking from either direction an ice cream truck stopped on the street shall stop no less than 25 feet from the front or rear of



the truck when the flashing lights and stop signal arm are in use. After stopping, a driver may proceed past such truck at a reasonable and prudent speed, not exceeding ten miles per hour, and shall yield the right-of-way to any pedestrian who crosses the roadway to or from the ice cream truck.

(B) The driver of a vehicle on a street with separate roadways separated by a driver of some nature need not stop on meeting or passing an ice cream truck on the parallel roadway.

### **INSURANCE**

(A) No license shall be issued to an ice cream vendor selling from a truck unless a certificate is furnished to the Town showing that the vendor is carrying the following minimum amounts of insurance: public liability insurance in an amount of not less than \$500,000 for injuries, including those resulting in death, resulting from any one occurrence and on account of any one accident, and property damage insurance in an amount of not less than \$25,000 for damages on account of any one accident or occurrence.

(B) Certificates shall contain an agreement signed by the insurance company that prior to modification, cancellation, or termination of the subject policy, written notice shall be sent to the Town Clerk-Treasurer by the insurance company.

### **CERTAIN EQUIPMENT REQUIRED ON TRUCKS; USE.**

(A) In addition to other equipment required by law, every ice cream truck shall be equipped with:

(1) Signal lamps mounted at the same level and as high and as widely spaced laterally as practicable. These lamps shall be five to seven inches in diameter and shall display two alternately flashing red lights on the front of the vehicle and two alternately flashing red lights on the rear of the vehicle, both lights visible at 500 feet in normal sunlight on a straight level street.

(2) A stop signal arm that can be extended horizontally from the left side of the truck duplicating the design and size of a standard 30-inch octagonal stop sign as set forth in the State Manual of Uniform Control Devices. This arm shall be red and white in color and contain two alternately flashing lights three to five inches in diameter at the top and bottom thereof, visible at 300 feet to the front and rear in normal sunlight on a straight level street. The color of the two lights facing to the front shall be red and the two lights facing to the rear shall be red. The bottom of the signal arm shall be 42 inches above the highway.

(3) A convex mirror mounted on the front so the driver in his normal seating position can see the area in front of the truck obscured by the hood.

(B) Use of required equipment.

(1) The driver of an ice cream truck stopped on the streets for the purpose of vending shall actuate the special flashing lights and extend the stop signal arm required by division (A) of this section.

(2) These lights and the stop signal arm shall not be used when the truck is in motion nor at any time the truck is stopped for a purpose other than vending.

**INSPECTION OF TRUCKS.**

Every ice cream truck shall be inspected by the Town of Sellersburg Police Department once each year prior to its use in the Town for the purpose of retail sales of frozen dairy products. The Police Officer shall inspect each ice cream truck to determine whether it complies with the applicable sections of this code and other state and local laws. The Town of Sellersburg Police Department shall assess a fee in the amount of \$15.00 per vehicle for the inspection. All fees collected as part of this inspection of ice cream truck shall be placed into the Town of Sellersburg Police Department LEC Training Fund.

**OPERATIONAL RESTRICTIONS.**

(A) A person shall vend only when the ice cream truck is lawfully stopped.

(B) A person shall vend only from the side of the truck away from moving traffic and as near as possible to the curb or side of the street.

(C) A person shall not vend to a person standing in the roadway.

(D) A person shall not stop on the left side of a one-way street to vend.

(E) The operator of any ice cream truck which traverses the streets of the Town for the purpose of vending products shall submit to the traffic officer of the Town prior to March 1 of each year hereafter a detailed listing of the routes to be traveled each day by said motor vehicles. The Town of Sellersburg Police Department shall approve or disapprove such routes within 30 days thereafter. Any routes not approved by the Town of Sellersburg Police Department shall not be utilized by said operator.

(F) Every operator or person falling within the purview of this code shall at all times maintain in said vehicle, while vending products on the streets, a second person who shall act as a guard and lookout to assist the driver, and who shall at all times be available in, about and around the vehicle to assist customers with their safety. The second person shall be one who has received special training in traffic safety, based on a curriculum and educational experience to be devised and carried out by specialized personnel of the Police Department. This division shall be deemed complied with for the

second person on each vehicle on the issuance of a certificate of said specialized training by the Chief of Police.

### **BACKING TRUCK PROHIBITED.**

The driver of an ice cream truck shall not back the truck to make or attempt a sale.

## **DIRECT SELLERS**

### **DEFINITIONS.**

For the purpose of this subchapter the following definitions shall apply unless the context clearly indicates or require a different meaning.

**CHARITABLE ORGANIZATIONS.** Includes any benevolent, philanthropic, patriotic or eleemosynary person, partnership, association or corporation, or one purporting to be such.

**CLERK.** The Town Clerk-Treasurer.

**DIRECT SELLER.** Any individual who, for himself, or for a partnership, association or corporation, sells goods, or takes orders for the later delivery of goods, at any location other than the permanent business place or residence of the individual, partnership, association or corporation, and shall include, but not be limited to transient merchants. The sale of goods includes donations required by the direct seller for the retention of goods by a donor or prospective customer.

**GOODS.** Includes personal property of any kind, and shall include goods provided incidental to services offered or sold.

**PERMANENT MERCHANT.** A direct seller who, for at least one year prior to the consideration of the application of this subchapter to the merchant, has continuously operated an established place of business in this Town or has continuously resided in this Town and now does business from his residence.

### **REGISTRATION REQUIRED; EXEMPTIONS.**

(A) It shall be unlawful for any direct seller to engage in direct sales within the Town without being registered for that purpose as provided herein.

(B) The following shall be exempt from all provisions of this subchapter:

(1) Any person delivering newspapers, fuel, dairy products or bakery goods to regular customers on established routes.

(2) Any person selling goods at wholesale to dealers in such goods.

- (3) Any person selling agricultural products which the person has grown.
- (4) Any permanent merchant or employee thereof who takes orders away from the established place of business for goods regularly offered for sale by the merchant within the Town and who delivers such goods in his regular course of business.
- (5) Any person who has an established place of business where the goods being sold are offered for sale on a regular basis, and in which the buyer has initiated contact with, and specifically requested a home visit by, that person.
- (6) Any person who has had, or one who represents a company which has had, a prior business transaction, such as a prior sale or credit arrangement, with the prospective customer.
- (7) Any person selling or offering for sale a service unconnected with the sale or offering for sale of goods.
- (8) Any person holding a sale required by statute or by order of any court and any person conducting a bona fide auction sale pursuant to law.
- (9) Any employee, officer or agent of a charitable organization which has secured a permit as provided for in this chapter.
- (10) Sellersburg Celebrates booths and concessions provided the operators of the booths and concessions have prior approval of the Sellersburg Celebrates Committee.

#### **APPLICATION FOR REGISTRATION.**

- (A) Applicants for registration must complete and return to the Town-Treasurer a registration form furnished by the Clerk which shall require the following information:
  - (1) Name, permanent address and telephone number, and temporary address, if any.
  - (2) Age, height, weight and color of hair and eyes.
  - (3) Name, address and telephone number of the person, firm, association or corporation that the direct seller represents or is employed by, or whose merchandise is being sold.
  - (4) The temporary address and telephone number from which business will be conducted, if any.

(5) The nature of the business to be conducted and a brief description of the goods offered, and any services offered.

(6) The proposed method of delivery of goods, if applicable.

(7) The make, model and license number of any vehicle to be used by applicant in the conduct of his business.

(8) The last three previous cities and towns, where applicant conducted similar business.

(9) A place where the applicant can be contacted for at least seven days after leaving the Town.

(10) A statement as to whether the applicant has been convicted of any crime or ordinance violation related to applicant's transient merchant business within the last five years and if so, the nature of the offense and the place of conviction.

(B) Each applicant shall present to the Clerk-Treasurer for examination the following:

(1) A driver's license or some other proof of identity as may be reasonably required.

(2) A state certificate of examination and approval from the sealer of weights and measures where applicant's business requires use of weighing and measuring devices approved by the state authorities.

(3) A State Health Officer's certificate where applicant's business involves the handling of food or clothing and is required to be certified under state law. The certificate shall state that the applicant is apparently free from any contagious or infectious disease, dated not more than 90 days prior to the date the application for a license is made.

(4) At the time the registration is returned, a fee of \$25 shall be paid to the Clerk-Treasurer to cover the cost of processing the registration.

(5) Upon payment of the fee, the Clerk-Treasurer shall register the applicant as direct seller and date the entry. The registration shall be valid for a period of one year from the date of entry, subject to subsequent refusal as provided herein.

#### **INVESTIGATION OF APPLICATION.**

Upon receipt of each application, the Town Clerk-Treasurer may refer it immediately to the Chief of Police who may make and complete an investigation of the

statements made in the registration. The Clerk-Treasurer shall refuse to register the applicant if it is determined, pursuant to the investigation that the application contains any material omission or materially inaccurate statement; complaints of a material nature have been received and proven against the applicant by authorities in the three previous cities and towns in which the applicant conducted similar business; or the applicant failed to comply with any applicable provision of hereof. If the applicant has been convicted of any offense, the Clerk-Treasurer consider the acts upon which the conviction resulted as to whether the applicant should be entrusted to serve the public as a direct seller.

### **APPEAL OF DENIAL.**

Any person denied registration may appeal the denial to the Sellersburg Town Council. The Sellersburg Town Council shall hold a public hearing on the denial within ten days after the appeal is filed.

### **CONDUCT OF REGISTRANTS.**

The following regulations shall govern the conduct of registrants hereunder.

(A) It shall be unlawful for a direct seller to misrepresent or make false, deceptive, or misleading statements concerning the quality, quantity or character of any goods offered for sale, the purpose of his visit, his identity or the identity of the organization he represents. A charitable organization direct seller shall specifically disclose what portion of the sale price of goods being offered will actually be used for the charitable purpose for which the organization is soliciting. The portion shall be expressed as a percentage of the sale price of the goods.

(B) It shall be unlawful for any direct seller to impede the free use of sidewalks and streets by pedestrians and vehicles. Where sales are made from vehicles, all traffic and parking regulations shall be observed.

(C) It shall be unlawful for any direct seller to make any loud noises or use any sound amplifying device to attract customers if the noise produced is capable of being plainly hear outside a 100-foot radius of the source.

(D) It shall be unlawful for any direct seller to allow rubbish or litter to accumulate in or around the area in which he is conducting business.

### **DISCLOSURE REQUIREMENTS.**

The following requirements shall govern the conduct of registrants.

(A) If any sale of goods is made by a direct seller, or any sales order for the later delivery of goods is taken by the seller, the buyer shall have the right to cancel the transaction within three days if it involves the extension of credit or is a cash transaction of more than \$25.00.

(B) If the direct seller takes a sales order for the later delivery of good, he shall, at the time the order is taken, provide the buyer with a written statement containing the terms of the agreement, the amount paid in advance whether full, partial or no advanced payment is made, the name, address and telephone number of the seller, the delivery or performance date and whether a guarantee or warranty is provided and, if so, the terms thereof.

**REPORT ON CONVICTIONS.**

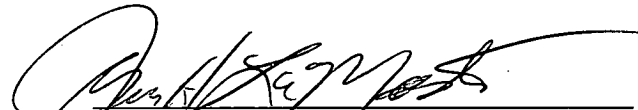
The Chief of Police shall report to the Town Clerk-Treasurer all convictions for violations of this subchapter and the Clerk shall note any such violation on the record of the registrant convicted.

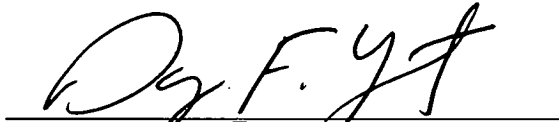
**REVOCAION OF REGISTRATION.**

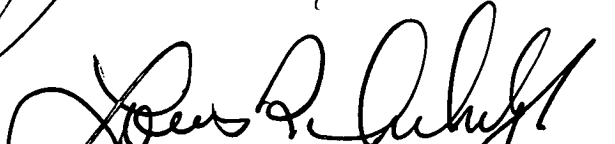
The registration of a direct seller may be revoked by the Town Clerk-Treasurer for any material violation of this subchapter. No registration will be revoked without prior written notice to the registration holder and an opportunity for a hearing within seven days.


**PENALTY.**

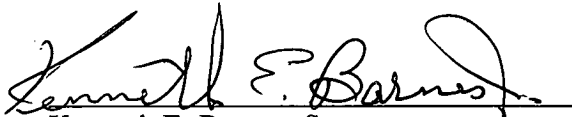
(A) Any person, firm, or corporation violating any provision thereof shall be guilty of a violation, and, on conviction thereof, shall be fined not less than \$25 nor more than \$100 for each offense. A separate offense shall be deemed committed on each day on or during which a violation occurs or continues.

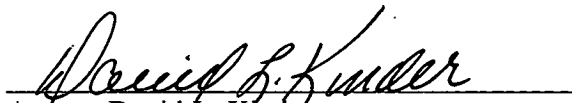
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001-016

ORDINANCE AMENDING A CUSTOMER APPLICATION AND DEPOSIT POLICY FOR THE TOWN OF SELLERSBURG WATER AND SEWER SERVICE

WHEREAS, the Town Council for the Town of Sellersburg did not the 9<sup>th</sup> day of April, 2001 pass ordinance No. 2001-004; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that an amendment to said ordinance is necessary for the efficient and effective administration of Town government; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the deposit requirements for water service should be amended and increased to fifty (\$50.00) dollars for residential rental and residential-owner occupied; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;


BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that ordinance number 2001-004 shall be and hereby is amended as follows:

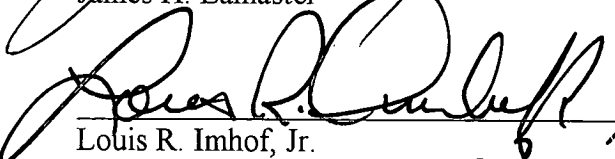
DEPOSIT REQUIREMENTS

Customer type	Water
Residential – Rental	\$50.00
Residential – Owner Occupied	\$50.00

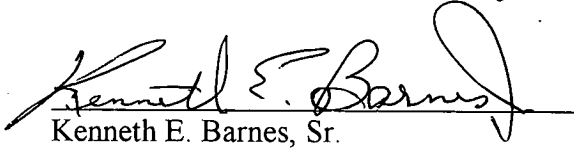
So Ordained this 14 day of May, 2001.

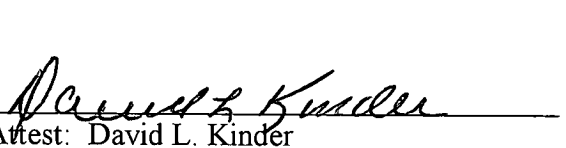
  
James H. Lamaster

  
Danny E. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer



ORDINANCE NO. 2001-017

AN ORDINANCE AMENDING SEWER TAP FEES

WHEREAS, the Town of Sellersburg has heretofore established a schedule of sewer tap fees; and

WHEREAS, the Town of Sellersburg maintains a capital improvement account in its sewer fund to provide for major repair and replacement of the wastewater treatment facility and collection system; and

WHEREAS, sewer tap fees are the primary source of the capital improvement funds; and

WHEREAS, it appears that the existing tap fees are inadequate to provide the necessary capital for future repair and replacement of the wastewater treatment facility and collection system; and

WHEREAS, the Town Council for the Town of Sellersburg believes it is in the best interest of the citizens to fairly spread the cost of capital repairs and replacement of the wastewater treatment facility and collection system among those outside of the Town's municipal limits whose use taxes the wastewater treatment facility and collection system capacity; and

NOW THEREFORE, BE IT HEREBY ORDAINED that the existing provisions of Sewer Tap Fees of the Sellersburg Municipal Code are hereby repealed and replaced by the following provisions:

SEWER TAP FEES

(A) Except as outlined in subsection 1 below, a tap charge of one thousand five hundred dollars (\$1,500.00) shall be levied against each residential (single family) lot, parcel of real estate, or building within the Town's corporate boundaries that hereafter connects with the

Town's sewer system. A tap charge of two thousand two-hundred dollars (\$2,200.00) shall be levied against each residential (single family) lot, parcel of real estate, or building outside the Town's corporate boundaries that hereafter connects with the Town's sewer system.

(1) A lot which was previously connected to the sewer system shall not be required to pay a tap charge to reconnect if the reconnection is completed within six (6) months of disconnection. After six (6) months, a tap charge of eight hundred dollars (\$800.00) shall be levied for reconnection.

(B) The owner of any residential lot, parcel of real estate, or building, other than those parcels within the boundaries of a subdivision which: 1) Has been approved by either the Sellersburg Building Commissioner and Plan Commission, and 2) Meets all the Town's or County's qualifications for a subdivision, may make written application to the Town Council for the privilege of paying the total tap fee in ten equal annual payments plus interest. In the event that such deferred payment plan is accepted by the Town Council, the first annual payment shall accompany the application along with the appropriate inspection fee. The remaining principle shall accrue interest, at the statutory judgment rate, on the outstanding balance until payment in full of all ten annual installments. Subdivision tap-ins shall not be eligible for this deferred payment plan.

(C) Tap fees for duplex multi-family units within the Town's corporate boundaries shall be two thousand two-hundred dollars (\$2,200.00). Tap fees for duplex multi-family units outside the Town's corporate boundaries shall be three thousand three hundred fifty dollars (\$3,350.00). Multi-family units larger than a duplex shall incur an additional tap fee of one hundred fifty dollars (\$150.00) per unit up to ten (10) units. After ten (10) units, each additional unit shall be seventy dollars (\$70.00).

(D) Tap fees for commercial use within the Town's corporate boundaries shall be one thousand eight-hundred dollars (\$1,800.00) for each unit of three hundred (300) gallons of daily flow. Tap fees for commercial use outside the Town's corporate boundaries shall be two thousand six-hundred dollars (\$2,600.00) for each unit of three hundred (300) gallons of daily flow. One year after the initial commercial sewer connection, the Town Sewer Department shall calculate the actual average daily flow from the commercial user and shall adjust the tap fee accordingly. Any additional tap fee, or any refund, shall be due and payable within thirty (30) days after said calculation is completed.

(E) The Town Council shall determine the tap fees for industrial uses on a case-by-case basis after considering the location of the facility, the quantity of flow and its quality. The Board shall make written findings outlining the factors considered in each industrial tap fee decision.


(F) Tap fees may not be paid more than six (6) months in advance of connection to the sewer system.

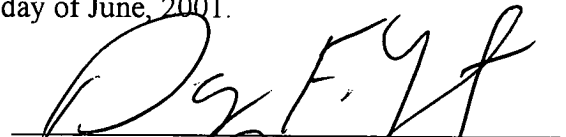
(G) Inspection fees shall be paid in addition to tap fees.


This Ordinance shall be in full force and effect from and after its passage and approval.


Approved on first reading this 14<sup>th</sup> day of May, 2001.

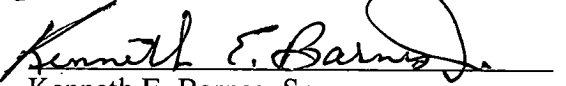
Approved on second reading this 4<sup>th</sup> day of June, 2001.

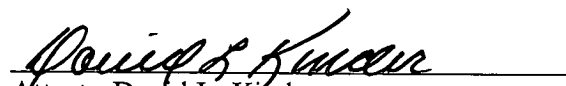
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001- 018

ORDINANCE AMENDING ORDINANCE 495 TERMINATING THE STATE OF INDIANA  
AS THE DEFERRED COMPENSATION PLAN AND REPLACING SAID PLAN WITH  
AMERICAN UNITED LIFE DEFERRED COMPENSATION PLAN

WHEREAS, the Town Council for the Town of Sellersburg did on the 11<sup>th</sup> day of February, 1991 pass Ordinance 495 in which it established a Deferred Compensation Plan through the State of Indiana; and

WHEREAS, the Town Council for the Town of Sellersburg has been advised by its Clerk Treasurer that said ordinance should be amended and changed to reflect that the Town of Sellersburg's Deferred Compensation Plan will now be handled by American United Life Insurance Company; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that an amendment to said ordinance is necessary for the efficient and effective administration of Town government; and

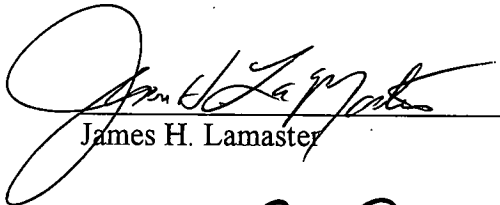
WHEREAS, the Town Council for the Town of Sellersburg has considered this matter at an open meeting to which the public were invited to attend and participate;

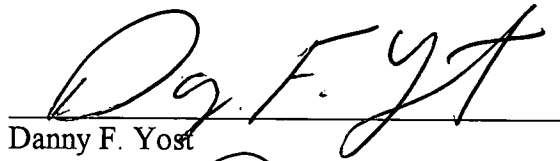
BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that Ordinance No. 495 shall be and hereby is amended thereby terminating the rights of the employees of the Town of Sellersburg, Indiana to participate in the State of Indiana Deferred Compensation Plan effective August 1, 2001.

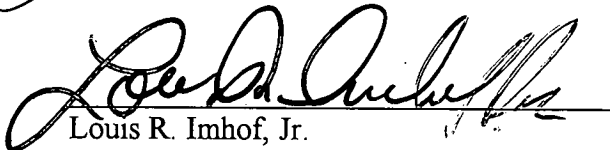
BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg that the Town of Sellersburg, Indiana, hereby adopts the Deferred Compensation Plan to be

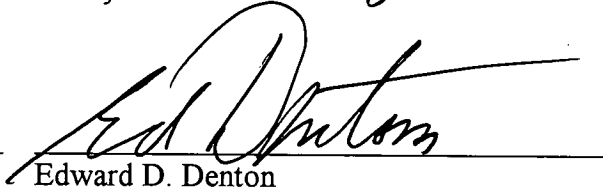
administered and invested by American United Life Insurance Company.

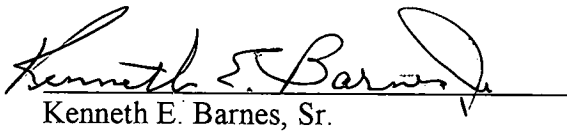
So ordained this 9<sup>th</sup> day of July, 2001.

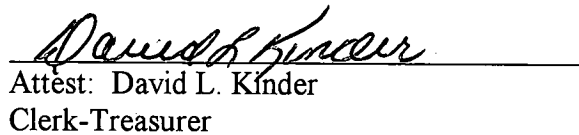
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001- 019

ORDINANCE AMENDING ORDINANCE NO. 2001-017

WHEREAS, the Town Council for the Town of Sellersburg did on the 4th day of June, 2001 pass the sewer tap ordinance establishing the sewer tap fees to be assessed to those individuals inside and outside of the Town that would be served by Sellersburg Sewer service; and

WHEREAS, the Town Council for the Town of Sellersburg has been advised by EMC billing office manager, Donna Ennis that the Town of Sellersburg that said ordinance does not establish a specific date to begin billing for sewer service to new construction; and

WHEREAS, the Town Council for the Town of Sellersburg has been advised surrounding communities began billing for sewer service at the time water service begins; and

WHEREAS, the Town Council for the Town of Sellersburg believes billing for sewer service should commence at the time water service begins even if it involves a new construction project; and

WHEREAS, the Town Council for the Town of Sellersburg has determined the amendment to said ordinance is necessary for the efficient and effective administration of Town government; and

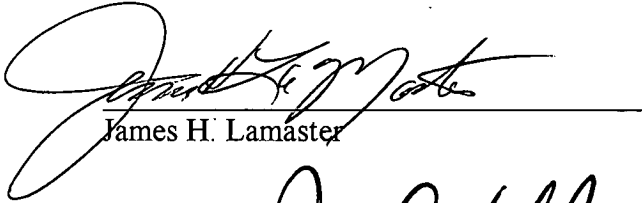
WHEREAS, the Town Council for the Town of Sellersburg has considered this matter at an open meeting to which the public were invited to attend and participate;

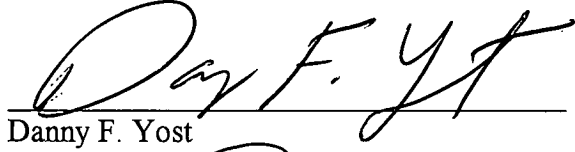
BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that Ordinance No. 2001-017 shall be and hereby is amended as follows:

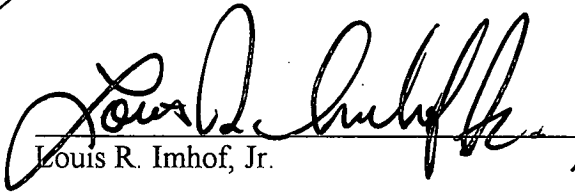
1. The billing office for Sellersburg Water and Sewer shall initiate billing for sewer service at the time water service is activated even if it is a new construction project. The

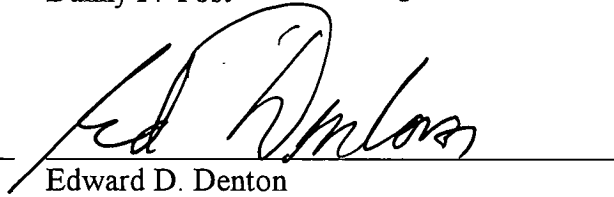
effective date of the herein ordinance shall be from the date of its passage and proper publication if required by law.

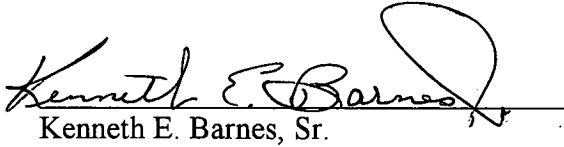
So ordained this 9<sup>th</sup> day of July, 2001.

  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001- 020

ORDINANCE ESTABLISHING POLICY FOR VACATION CUT  
OFFS, SEASONAL, RESIDENTS OR PART TIME RESIDENTS WHO ARE ON TOWN OF  
SELLERSBURG WATER, SEWER AND SANITATION

WHEREAS, the Town Council for the Town of Sellersburg has been advised by the Clerk-Treasurer of the need for the Town to establish a policy concerning part-time residents (seasonal residents) or those residents who are on extended vacation desiring to have sewer and sanitation charges reduced during the period of absence; and

WHEREAS, the Town Council for the Town of Sellersburg has been advised by the Clerk-Treasurer there must be minimum fees assessed to individuals making such a request; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the herein ordinance is necessary for the efficient and effective administration of Town government; and

WHEREAS, the Town Council for the Town of Sellersburg has considered this matter at an open meeting to which the public were invited to attend and participate;

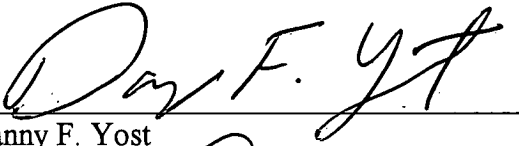
BE IT NOW THEREFORE ORDAINED, by the Town Council for the Town of Sellersburg, that any resident who requests a vacation shut off or shut off during a period of extended absence, must pay in addition to the \$5.00 administration fee associated with said shut off request, the sanitation fee in the amount of \$3.00 per month for residents inside and outside the municipal limits, the minimum amount of \$8.85 per month will be assessed for those occupants inside the municipal limits for sewer service, and the minimum amount of \$16.45 per month will be assessed for those users outside the municipal limits of the Town of Sellersburg.

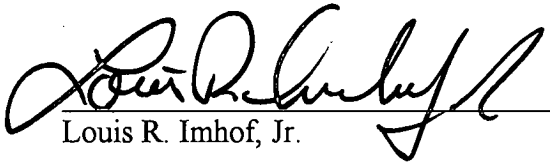



The above amounts are the minimum amounts which can be assessed for sewer and sanitation pick-up.

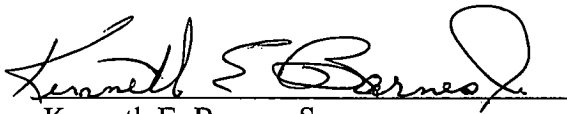
So ordained this 9<sup>th</sup> day of July, 2001.

  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

**ORDINANCE NO. 2001-021**  
**ORDINANCE FOR APPROPRIATIONS AND TAX RATES**

Be it Ordained by the County, City or Town of SELLERSBURG, Indiana, That for the expenses of the County, City or Town government and its institutions for the year ending December 31, 2002, the sums of money shown on Budget Form 4-A are hereby appropriated and ordered set apart out of the several funds herein named and for the purposes herein specified, subject to the laws governing the same. Such sums herein appropriated shall be held to include all expenditures authorized to be made during the year, unless otherwise expressly stipulated and provided for by law. In addition for the purpose of raising revenue to meet the necessary expense of county, city or town government, tax rates are shown on Budget Form 4-B and included herein. Two (2) copies of Budget Forms 4-A and 4-B for all funds and departments are made a part of the budget report and submitted herewith.

APPROVED BY:

COUNTY COUNCIL

Presented to the County Council of \_\_\_\_\_ County,  
Indiana, and read in full for the first time this \_\_\_\_\_ day of  
\_\_\_\_\_, 20\_\_\_\_  
\_\_\_\_\_  
President County Council

ATTEST:  
\_\_\_\_\_  
County Auditor and/or Clerk of County Council

Presented to the County Council of \_\_\_\_\_ County,  
Indiana, and read in full for the second time, and adopted this  
\_\_\_\_\_, 20\_\_\_\_ by the following vote:

YEA NAY

_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member

ATTEST:  
\_\_\_\_\_  
County Auditor and/or Clerk of County Council

COMMON COUNCIL

This ordinance shall be in full force and effect from and after its passage and approval by the  
Common Council and the Mayor.  
Adopted by the following vote on \_\_\_\_\_, 20\_\_\_\_

YEA NAY

_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member

Approved by the Mayor \_\_\_\_\_, 20\_\_\_\_

Mayor

ATTEST:  
\_\_\_\_\_  
City Clerk or Clerk-Treasurer

TOWN COUNCIL

This ordinance shall be in full force and effect from and after its passage and approval by the  
Town Council.  
Adopted with the following vote on September 20, 2001.

5 - YEA 0 - NAY

_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member
_____	_____
Council Member	Council Member

ATTEST: \_\_\_\_\_  
Town Clerk-Treasurer

**ORDINANCE 2001-022**

**2002 SALARY, HOLIDAY AND LONGEVITY PAY**

WHEREAS, the Town of Sellersburg desires to pass the herein Ordinance in order to establish and clarify the salary, holiday and longevity pay of employees of the Town; and

WHERE, said Ordinance is necessary for the efficient administration of the Town.

NOW, THEREFORE, BE IT ORDAINED, this 8th day of OCTOBER, 2001 by the Town Council of the Town of Sellersburg, that;

The following annual/weekly/hourly wage, holiday and longevity pay, as indicated, shall be paid to the following employees, from the funds as indicated, effective January 1, 2002.

**GENERAL FUND**

TOWN COUNCIL PRESIDENT	8200.00 PER YEAR
TOWN COUNCIL MEMBER	7000.00 PER YEAR
TOWN COUNCIL MEMBER	7000.00 PER YEAR
TOWN COUNCIL MEMBER	7000.00 PER YEAR
TOWN COUNCIL MEMBER	7000.00 PER YEAR
POLICE COMMISSIONER	600.00 PER YEAR
POLICE COMMISSIONER	600.00 PER YEAR
POLICE COMMISSIONER	600.00 PER YEAR
POLICE COMMISSIONER	600.00 PER YEAR
POLICE COMMISSIONER	600.00 PER YEAR
PARKS BOARD MEMBER	600.00 PER YEAR
PARKS BOARD MEMBER	600.00 PER YEAR
PARKS BOARD MEMBER	600.00 PER YEAR
PARKS BOARD MEMBER	600.00 PER YEAR
PARKS BOARD MEMBER	600.00 PER YEAR
PLANNING COMMISSION MEMBER	600.00 PER YEAR
PLANNING COMMISSION MEMBER	600.00 PER YEAR
PLANNING COMMISSION MEMBER	600.00 PER YEAR
PLANNING COMMISSION MEMBER	600.00 PER YEAR
PLANNING COMMISSION MEMBER	600.00 PER YEAR
PLANNING COMMISSION SECRETARY	600.00 PER YEAR
ZONING APPEALS MEMBER	600.00 PER YEAR
ZONING APPEALS MEMBER	600.00 PER YEAR
ZONING APPEALS MEMBER	600.00 PER YEAR
ZONING APPEALS MEMBER	600.00 PER YEAR
ZONING APPEALS MEMBER	600.00 PER YEAR
ZONING APPEALS SECRETARY	600.00 PER YEAR

2002 SALARY, HOLIDAY AND LONGEVITY PAY (continued)

**CLERK/TREASURER**

	<u>SALARY</u>	<u>LONGEVITY</u>
CLERK/TREASURER	32060.00	
CHIEF DEPUTY CLERK/TREASURER	25316.00	2500.40
DEPUTY CLERK	25004.00	1000.16

**POLICE DEPARTMENT**

	<u>HOURLY</u>	<u>LONGEVITY</u>	<u>HOLIDAY</u>
DISPATCHER/SECRETARY	11.72	2053.80	-0-
DISPATCHER	11.22	684.60	897.60
DISPATCHER	11.22	684.60	897.60
DISPATCHER	10.97	456.40	877.60
DISPATCHER	10.97	-0-	877.60
PART-TIME DISPATCHER	11.00	-0-	-0-

*\*Starting pay for dispatchers hired in 2002 will be 10.72 per hour\**

	<u>SALARY/HOURLY</u>	<u>HOLIDAY</u>	<u>LONGEVITY</u>
CHIEF OF POLICE	41935.20(20.16)	1612.80	4975.68
ASST. CHIEF	38420.00(18.47)	1477.60	1865.88
CAPTAIN (TBA)	34824.00(16.74)	1339.20	-0-
SERGEANT	33324.00(16.02)	1281.60	6219.60
SERGEANT	33324.00(16.02)	1281.60	1554.90
1 <sup>ST</sup> CLASS PATROLMAN	31098.40(14.95)	1196.00	4353.72
1 <sup>ST</sup> CLASS PATROLMAN	31098.40(14.95)	1196.00	1243.92
1 <sup>ST</sup> CLASS PATROLMAN	31098.40(14.95)	1196.00	932.94
1 <sup>ST</sup> CLASS PATROLMAN	31098.40(14.95)	1196.00	932.94
1 <sup>ST</sup> CLASS PATROLMAN	31098.40(14.95)	1196.00	621.96
PROB. 1 <sup>ST</sup> CLASS PATROLMAN	28852.00(13.87)	1196.00	-0-
PROB. 1 <sup>ST</sup> CLASS PATROLMAN	28852.00(13.87)	1196.00	-0-
(TBA) PROB. 1 <sup>ST</sup> CLASS PATROLMAN	28852.00(13.87)	1196.00	-0-

\*Patrolman hired in 2001 will receive an increase in salary and holiday pay on their one year anniversary date to equal that of a 1<sup>st</sup> Class Patrolman.

\*Patrolman hired in 2002 will receive a salary of 28852.00 plus holiday pay of 13.87 per hour.

2002 SALARY, HOLIDAY AND LONGEVITY PAY (continued)

**STREET DEPARTMENT**

	<u>SALARY</u>	<u>HOURLY</u>	<u>LONGEVITY</u>
SUPERINTENDENT	37068.20	17.82	5027.40
CREW LEADER		13.72	1058.40
LABORER		13.22	4233.60
LABORER		13.22	793.80

**SANITATION DEPARTMENT**

	<u>HOURLY</u>	<u>LONGEVITY</u>
TRUCK DRIVER	13.72	5292.00
LABORER	12.72	5292.00
LABORER	12.72	3704.40
LABORER	12.72	1587.60

**ANIMAL CONTROL**

	<u>SALARY</u>	<u>LONGEVITY</u>
ANIMAL CONTROL OFFICER	19700.00	394.00

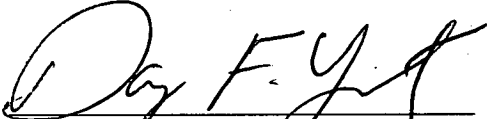
**PARK & RECREATION FUND**


	<u>HOURLY</u>
POOL MANAGER	9.50
ASST. MANAGER	8.15
RETURNING LIFEGUARD	7.65
BEGINNING LIFEGUARD	7.15
CONCESSIONS	6.15

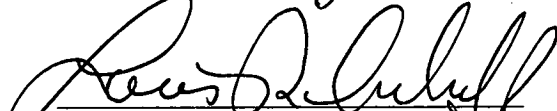
2002 SALARY, HOLIDAY AND LONGEVITY PAY (continued)

The Salary Ordinance is subject to change due to section 03.02 – Vacations, in the Policies and Procedures Manual adopted by the Sellersburg Town Council on December 11, 2000.

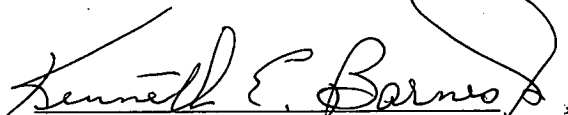
SO ORDAINED THIS 8th DAY OF OCTOBER, 2001 FOR THE COMING YEAR OF 2002.

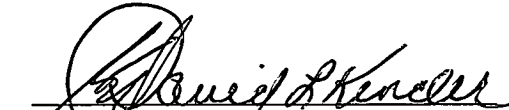
  
\_\_\_\_\_  
Danny F. Yost

  
\_\_\_\_\_  
James H. LaMaster

  
\_\_\_\_\_  
Louis R. Imhof, Jr.

  
\_\_\_\_\_  
Edward D. Denton

  
\_\_\_\_\_  
Kenneth E. Barnes, Sr.

  
\_\_\_\_\_  
Attest: David L. Kinder  
Clerk/Treasurer

ORDINANCE NO. 2001- 023

AN ORDINANCE ENACTING A CODE OF ORDINANCES FOR THE TOWN OF SELLERSBURG, REVISING, AMENDING, RESTATING, CODIFYING AND COMPILING CERTAIN EXISTING GENERAL ORDINANCES OF THE POLITICAL SUBDIVISION DEALING WITH SUBJECTS EMBRACED IN SUCH CODE OF ORDINANCES, AND DECLARING AN EMERGENCY

WHEREAS, the present general and permanent ordinances of the political subdivision are inadequately arranged and classified and are insufficient in form and substance for the complete preservation of the public peace, health, safety and general welfare of the municipality and for the proper conduct of its affairs; and

WHEREAS, the Acts of the Legislature of the State of Indiana empower and authorize the political subdivision to revise, amend, restate, codify and compile any existing ordinances and all new ordinances not heretofore adopted or published and to incorporate such ordinances into one ordinance in book form; and

WHEREAS, the Legislative Authority of the Political Subdivision has authorized a general compilation, revision and codification of the ordinances of the Political Subdivision of a general and permanent nature and publication of such ordinance in book form; and

WHEREAS, it is necessary to provide for the usual daily operation of the municipality and for the immediate preservation of the public peace, health, safety and general welfare of the municipality that this ordinance take effect at an early date.

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate.

NOW, THEREFORE, BE IT ORDAINED BY THE LEGISLATIVE AUTHORITY OF THE POLITICAL SUBDIVISION OF THE TOWN OF SELLERSBURG:

Section 1. The general ordinances of the Political Subdivision as revised, amended, restated, codified, and compiled in book form are hereby adopted as and shall constitute the "Code of Ordinances of the Town of Sellersburg".

Section 2. Such Code of Ordinances as adopted in Section 1 shall consist of the following Titles:

TITLE I: GENERAL PROVISIONS

10. Rules of Construction; General Penalty
11. Town Seal

TITLE III: ADMINISTRATION

30. Town Council  
Appendix: ordinance Form
31. Town Policies
32. Town Officials
33. Boards, Commissions and Departments
34. Personnel
35. Funds
36. Police and Fire Departments

#### TITLE V: PUBLIC WORKS

50. General Provisions
51. Garbage and Refuse; Recycling
52. Water
53. Sewers
54. Industrial Pretreatment

#### TITLE VII: TRAFFIC CODE

70. General Provisions
71. Traffic Rules
72. Parking Regulations
73. Traffic Schedules
74. Parking Schedules

#### TITLE IX: GENERAL REGULATIONS

90. Abandoned Vehicles
91. Fair Housing; Rental Properties



- 92. Parks and Recreation
- 93. Animals
- 94. Streets and Sidewalks
- 95. Health and Sanitation; Nuisances

TITLE XI: BUSINESS REGULATIONS

- 110. General Licensing Provisions

TITLE XIII: GENERAL OFFENSES

- 130. General Offenses

TITLE XV: LAND USAGE

- 150. Building Regulations
- 151. Mobile Home Parks
- 152. Flood Hazard Areas
- 153. Subdivisions
- 154. Zoning

Appendix A: Contingent Uses  
Appendix B: Special Exceptions  
Appendix C: Requirement Designations

- 155. Comprehensive Plan

TABLE OF SPECIAL ORDINANCES

- I. Annexations
- II. Dedications
- III. Real Estate Transactions
- IV. Economic Revitalization Areas
- V. Vacations

- VI. Franchise Agreements
- VII. Interlocal Agreements
- VIII. Zoning Changes
- IX. Street Naming

#### PARALLEL REFERENCES

- References to the Indiana Code
- References to 1993 Code
- References to Resolutions
- References to Ordinances

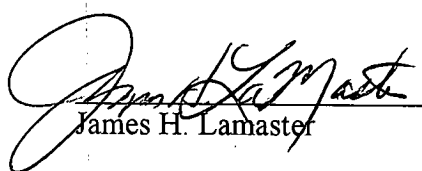
Section 3. All prior ordinances pertaining to the subjects treated in such Code of Ordinances shall be deemed repealed from and after the effective date of this ordinance except as they are included and reordained in whole or in part in such Code; provided, such repeal shall not affect any offense committed or penalty incurred or any right established prior to the effective date of this ordinance, nor shall such repeal affect the provisions of ordinances levying taxes, appropriating money, annexing or detaching territory, establishing franchises, or granting special rights to certain person, authorizing public improvements, authorizing the issuance of bonds or borrowing of money, authorizing the purchase or sale of real or persona property, granting or accepting easements, plat or dedication of land to public use, vacating or setting the boundaries of streets or other public places; nor shall such repeal affect any other ordinance of a temporary or special nature or pertaining to subjects not contained in or covered by the Code.

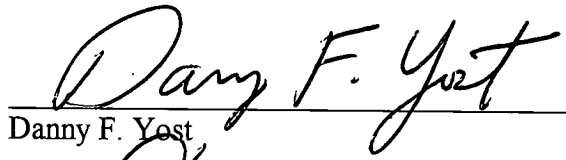
Section 4. Such Code shall be deemed published as of the day of its adoption and approval by the Legislative Authority and the Clerk of the political Subdivision is hereby authorized and ordered to file a copy of such Code of Ordinances in the Office of the Clerk.

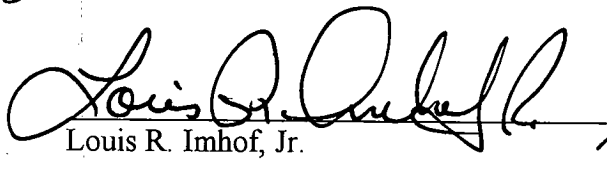
Section 5. Such Code shall be in full force and effect as provided in Section 6, and such Code shall be presumptive evidence in all courts and places of the ordinance and all provisions, sections, penalties and regulations therein contained and of the date of passage, and that the same is properly signed, attested, recorded, and approved and that any public hearings and notices thereof as required by law have been given.

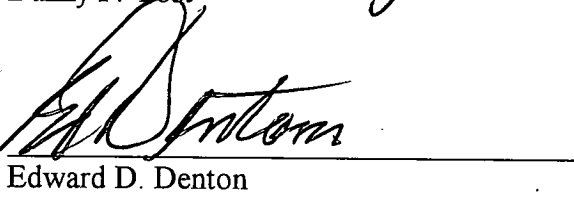
Section 6. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the peace, health, safety and general welfare of the people of this municipality, and shall take effect at the earliest date provided by law.

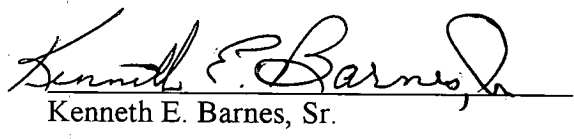
SO ORDAINED THIS 8<sup>th</sup> day of October, 2001.

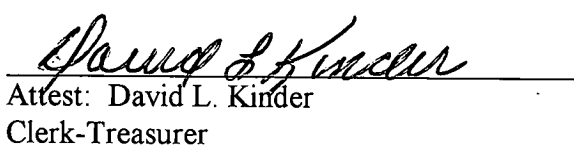
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001-024

AN ORDINANCE FOR THE TRANSFER OF  
APPROPRIATIONS REGARDING THE PARKS BOARD

WHEREAS, the Parks Board has determined there exists a need to transfer appropriations to continue efficient and effective maintenance of the Town's parks; and

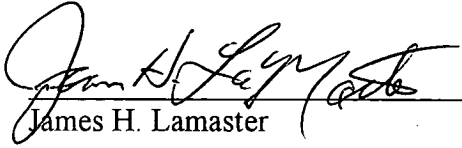
WHEREAS, the Town Council for the Town of Sellersburg has determined that the requested transfer of appropriations is necessary for continued efficient and effective maintenance of the Town's parks; and

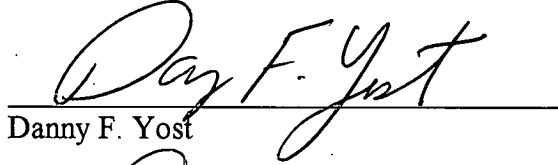
WHEREAS, this matter was considered in an open public meeting to which the public was invited to attend and participate.

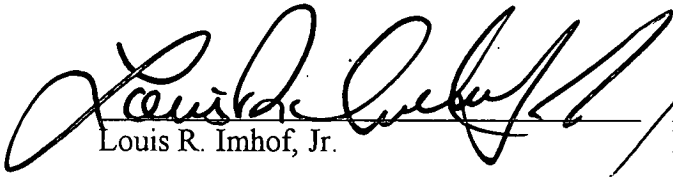
BE IT NOW THEREFORE ORDAINED AS FOLLOWS:

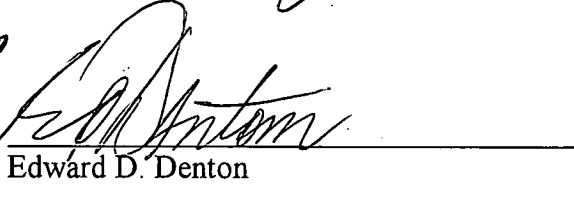
1. A transfer of appropriations in the amount of Two Thousand Dollars (\$2,000.00) from account #227 to account #441, Pool Shelter.
2. A transfer of appropriations in the amount of Three Thousand Two Hundred Fifty Dollars (\$3,250.00) from account #353 to account #111, Salary Deficit.
3. A transfer of appropriations in the amount of One Hundred Ninety Five Dollars (\$195.00) from account #353 to account #121, FICA.
4. A transfer of appropriations in the amount of Forty Dollars (\$40.00) from account #353 to account #122, Medicare.
5. A transfer of appropriations in the amount of One Hundred Thirty Dollars (\$130.00) from account #353 to account #351, Pool Electricity.
6. A transfer of appropriations in the amount of Two Hundred Fifty Dollars (\$250.00) from account #353 to account #371, Dumpster Fee.

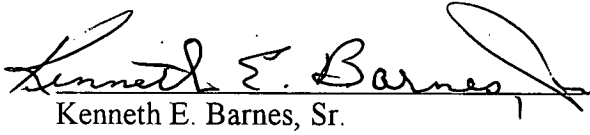
SO ORDAINED THIS 12<sup>TH</sup> DAY OF NOVEMBER, 2001.

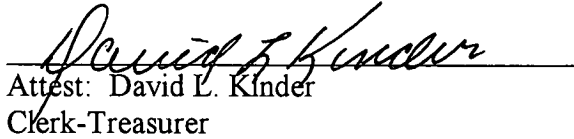
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001-025

ORDINANCE AMENDING ORDINANCE NO. 2001-004 AND ORDINANCE NO. 2001-016

WHEREAS, the Town Council for the Town of Sellersburg has previously developed a customer application deposit policy for the Town of Sellersburg water and sewer service; and

WHEREAS, the Town Council for the Town of Sellersburg did on May 14, 2001 adopt Ordinance No. 2001-016; and

WHEREAS, the Clerk Treasurer for the Town of Sellersburg has requested said Ordinance be amended; and

WHEREAS, the Town Council for the Town of Sellersburg has determined the herein amendment to said Ordinance is necessary for the efficient and effective administration of Town government; and

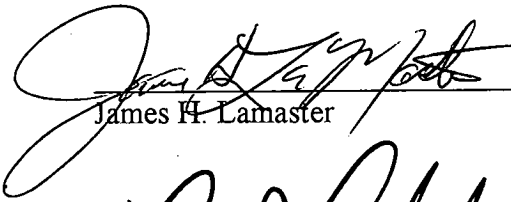
WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;

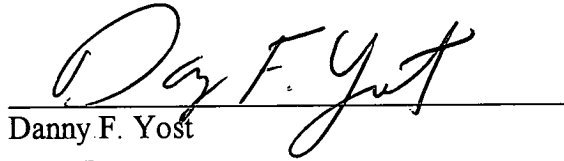
BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg Ordinance No. 2001-016 shall be and hereby is amended to read as follows:

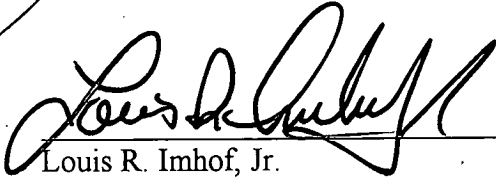
1. That each customer of the Town of Sellersburg water and/or sewer service is required to pay a deposit of fifty dollars (\$50.00) for each service listed by this Ordinance.
2. The Town Council for the Town of Sellersburg hereby authorizes the payment of the fifty-dollar (\$50.00) water service deposit and the fifty-dollar (\$50.00) sewer service deposit to be maintained in one bank account maintained on behalf of the Town of Sellersburg.
3. When an individual no longer uses the Town of Sellersburg water, sewer or sanitation services a refund of the deposit can be made from this one bank account less any current charges owed to the Town of Sellersburg.

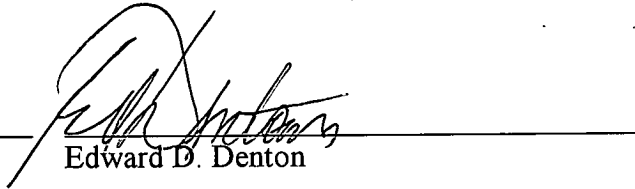
4. Whereas the Indiana State Board of Accounts has no objection to the maintenance of one bank account wherein deposits for water and sewer service will be maintained together until refunded or otherwise disposed of as allowed by law.

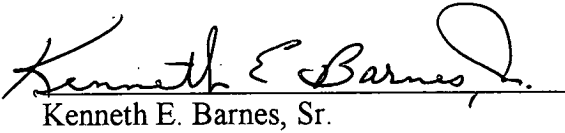
So ordained this 10<sup>th</sup> day of December, 2001.

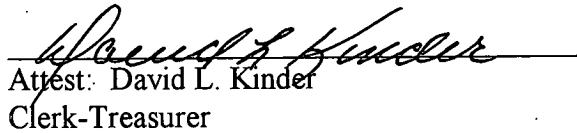
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

Voted  
Down

ORDINANCE NO. 2001-026

ORDINANCE AMENDING ORDINANCE NO. 2000-023

WHEREAS, the Town Council for the Town of Sellersburg did on the 11<sup>th</sup> day of December, 2000, pass Ordinance No. 2000-023; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the secretary for the Town of Sellersburg Plan Commission should be paid fifty dollars (\$50.00) per meeting attended; and

WHEREAS, the Town Council for the Town of Sellersburg has determined the herein amendment to said ordinance is necessary for the efficient and effective administration of Town government; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate.

BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that Ordinance No. 2000-023 shall be amended as follow:

1. The secretary for the Town of Sellersburg Plan Commission shall receive compensation at the rate of fifty dollars (\$50.00) per meeting attended. All of the provisions of said ordinance shall remain in full force and effect without modifications.

So Ordained this 10<sup>th</sup> day of December, 2001.

\_\_\_\_\_  
James H. Lamaster

\_\_\_\_\_  
Danny F. Yost

\_\_\_\_\_  
Louis R. Imhof, Jr.

\_\_\_\_\_  
Edward D. Denton

\_\_\_\_\_  
Kenneth E. Barnes, Sr.

\_\_\_\_\_  
Attest: David L. Kinder  
Clerk-Treasurer



ORDINANCE NO. 2001-027

ORDINANCE AMENDING ORDINANCE 2000-024 REGARDING UNIFORM/CLOTHING ALLOWANCES FOR THE TOWN OF SELLERSBURG POLICE OFFICERS, DISPATCHERS, CLERK/TREASURER, AND CLERK TREASURER EMPLOYEES

WHEREAS, the Town Council for the Town of Sellersburg did on December 11, 2001 pass Ordinance No. 2000-024 establishing a uniform/clothing allowances for the Town of Sellersburg Police Officers, Dispatchers, Clerk/Treasurer, and Clerk Treasurer Employees; and

WHEREAS, the Town Council for the Town of Sellersburg has been advised by the Town of Sellersburg Clerk/Treasurer that said ordinance needs to be amended to reflect changes to Ordinance No. 2000-024 previously approved by the Sellersburg Town Council on February 12, 2001; and

WHEREAS, the amendment to said ordinance is necessary for the efficient and effective administration of Town government; and

WHEREAS, the Town Council for the Town of Sellersburg considered this matter at an open meeting to which the public were invited to attend and participate;

BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that Ordinance No. 2000-024 shall be and hereby is amended as follows:

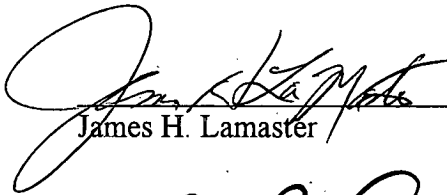
Each police officer shall receive a uniform/clothing allowance in the amount of \$1,000.00 per year, with \$500.00 paid in the month of June and the remaining \$500.00 balance paid in the month of December of each given year:

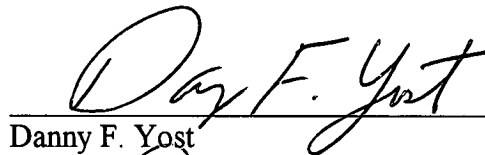
BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg that said Ordinance shall be further amended as follows:

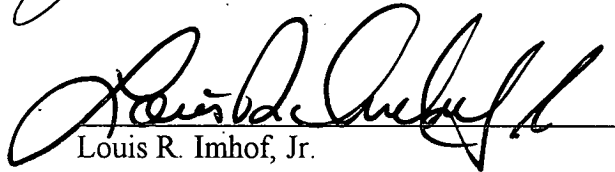
All uniforms and other necessary equipment shall be furnished by the Town of Sellersburg Police Department; therefore all newly appointed police officers will not receive a clothing allowance during the first year of employment.

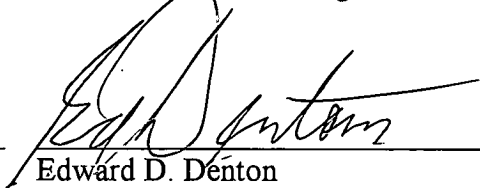
All other provisions of Ordinance No. 2000-024 which are not inconsistent herewith shall remain in full force and effect.

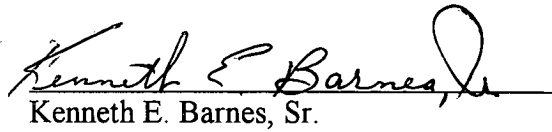
So ordained this 10<sup>th</sup> day of December, 2001.

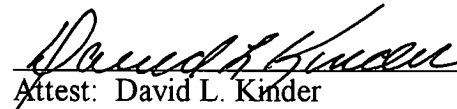
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001-028

AN ORDINANCE FOR THE TRANSFER OF  
APPROPRIATIONS REGARDING THE GENERAL FUND

WHEREAS, the Clerk/Treasurer has determined there exists a need to transfer appropriations to continue efficient and effective maintenance of the Town of Sellersburg General Fund; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the requested transfer of appropriations is necessary for continued efficient and effective maintenance of the Town's General Fund; and

WHEREAS, this matter was considered in an open public meeting to which the public was invited to attend and participate.

BE IT NOW THEREFORE ORDAINED AS FOLLOWS:

1. A transfer of appropriations in the amount of One Thousand Dollars (\$1000.00) from account #CT314 to account #CT112, Salary Deficit.
2. A transfer of appropriations in the amount of One Thousand Dollars (\$1000.00) from account #CT314 to account #CT113, Salary Deficit.
3. A transfer of appropriations in the amount of Four Thousand Five Hundred Dollars (\$4500.00) from account #TC341 to account #TC315, Building Inspector.
4. A transfer of appropriations in the amount of One Hundred Dollars (\$100.00) from account #TC341 to account #TC317, Promotion.
5. A transfer of appropriations in the amount of One Hundred Dollars (\$100.00) from account #TC341 to account #TC394, Miscellaneous.
6. A transfer of appropriations in the amount of Six Thousand Dollars (\$6000.00) from account #S&S421 to account #S&S111, Salary Deficit.
7. A transfer of appropriations in the amount of Eight Hundred Dollars (\$800.00) from account #S&S421 to account #S&S225, Fuel for Packer.
8. A transfer of appropriations in the amount of Three Hundred Dollars (\$300.00) from account #S&S421 to account #S&S323, Telephones/Pagers.

SO ORDAINED THIS 10<sup>th</sup> DAY OF DECEMBER, 2001.

Danny F. Yost  
DANNY F. YOST, President

Kenneth E. Barnes  
KENNETH E. BARNES, SR.

James H. Lamaster  
JAMES H. LAMASTER

Louis R. Imhof, Jr.  
LOUIS R. IMHOF, JR. Vice President

Edward D. Denton  
EDWARD D. DENTON

David L. Kinder  
ATTESTS: DAVID L. KINDER  
CLERK/TREASURER

## Ordinance No. 2001-029

### **AN ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING THE TOWN OF SELLERSBURG POLICE DEPARTMENT**

**WHEREAS**, the Town of Sellersburg Chief of Police has determined there exists a need to transfer appropriations to continue efficient and effective law enforcement within the Town of Sellersburg; and

**WHEREAS**, the Town Council for the Town of Sellersburg has determined that the requested transfer of appropriations is necessary for continued efficient and effective law enforcement within the Town of Sellersburg; and

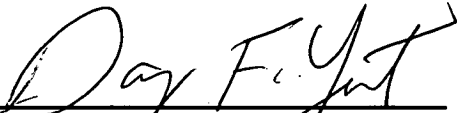
**WHEREAS**, this matter was considered in an open public meeting at which the public were invited to attend and participate.

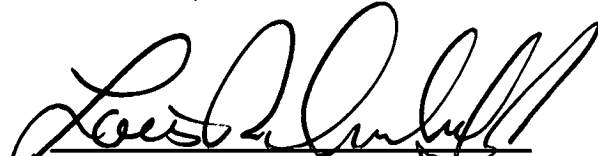
#### **BE IT NOW THEREFORE ORDAINED AS FOLLOWS:**

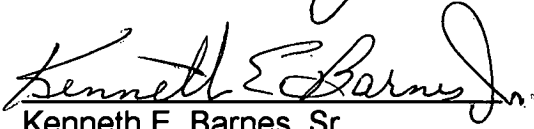
- 1.) A TRANSFER OF APPROPRIATIONS IN THE AMOUNT OF Seven Hundred Twenty (\$720.00) dollars from Account #441 Police Equipment to Account #324 NCIC/IDACS.
- 2.) A transfer of appropriations in the amount of Six Hundred Fifty (\$650.00) dollars from Account #314 Consulting Fees to Account #313 to Medical Exams
- 3.) A transfer of appropriations in the amount of Two Thousand (\$2,000.00) dollars from Account#361 Cleaning Supplies to Account #213 Office Supplies.
- 4.) A transfer of appropriations in the amount of One Thousand (\$1,000.00) dollars from Account #364 Repairs Police Building to Account #213 Office Supplies.
- 5.) A transfer of appropriations in the amount of Two Thousand (\$2,000.00) dollars from Account #441 Police Equipment to Account #213 Office Supplies.
- 6.) A transfer of appropriations in the amount of Thirty Thousand (\$30,000.00) dollars from Account @111 Police Salaries to Account #441 Police Equipment.


- 7.) A transfer of appropriations in the amount of Five Hundred Sixty Five dollars and Thirty-Seven cents (\$565.37) from Account #111 Police Salaries to Account #131 Uniform Allowance/Police.

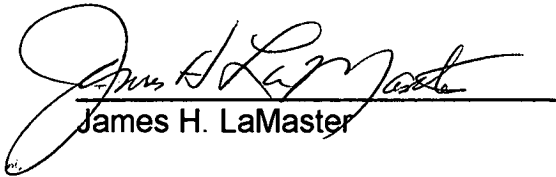
SO ORDAINED THIS 10<sup>TH</sup> DAY OF DECEMBER, 2001.

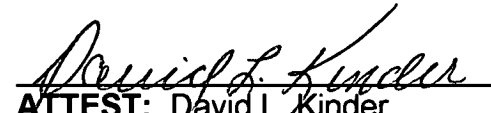
  
\_\_\_\_\_  
Danny F. YOST, President

  
\_\_\_\_\_  
Louis R. Imhof, Jr. Vice-President

  
\_\_\_\_\_  
Kenneth E. Barnes, Sr.

  
\_\_\_\_\_  
Edward D. Denton

  
\_\_\_\_\_  
James H. LaMaster

  
\_\_\_\_\_  
ATTEST: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001-029

AN ORDINANCE FOR THE TRANSFER OF APPROPRIATIONS REGARDING THE  
TOWN OF SELLERSBURG POLICE DEPARTMENT

WHEREAS, the Town of Sellersburg Chief of Police has determined there exists a need to transfer appropriations to continue efficient and effective law enforcement within the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg has determined that the requested transfer of appropriations is necessary for continued efficient and effective law enforcement within the Town of Sellersburg; and

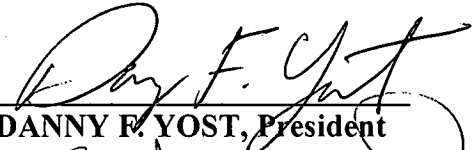
WHEREAS, this matter was considered in an open public meeting to which the public were invited to attend and participate.

BE IT NOW THEREFORE ORDAINED AS FOLLOWS:

1. A transfer of appropriations in the amount of Seven Hundred Twenty (\$720.00) from account #441 Police Equipment to account #324 NCIC/IDACS.
2. A transfer of appropriations in the amount of Six Hundred Fifty Dollars (\$650.00) from account #314 Consulting Fees to account #313 Medical Exams.
3. A transfer of appropriations in the amount of Two Thousand Dollars (\$2000.00) from account #361 Cleaning Supplies to account #213 Office Supplies.
4. A transfer of appropriations in the amount of One Thousand Dollars (\$1000.00) from account #364 Repairs Police Building to account #213 Office Supplies.
5. A transfer of appropriations in the amount of Two Thousand Dollars (\$2000.00) from account #441 Police Equipment to account #213 Office Supplies.
6. A transfer of appropriations in the amount of Thirty Thousand Dollars (\$30000.00) from account #111 Police Salaries to account #441 Police Equipment.

7. A transfer of appropriations in the amount of Five Hundred Sixty-Five Dollars and Thirty-Seven Cents (\$565.37) from account #111 Police Salaries to account #131 Uniform Allowance/Police.

SO ORDAINED THIS 10th DAY OF DECEMBER, 2001.

  
DANNY F. YOST, President

  
KENNETH E. BARNES, SR.

  
JAMES H. LAMASTER

  
LOUIS R. IMHOF, JR. Vice President

  
EDWARD D. DENTON

  
ATTEST: DAVID L. KINDER  
CLERK/TREASURER



ORDINANCE NO. 2001- 030

AN ORDINANCE ESTABLISHING PURCHASING POLICIES FOR THE  
TOWN OF SELLERSBURG, INDIANA

WHEREAS, I.C. 5-22 (the "Act") applies to every expenditure of public funds by a governmental body;

WHEREAS, the Town of Sellersburg, Indiana is a governmental body under the Act; and

WHEREAS, the Act authorizes the Town to establish certain purchasing rules and policies for the Town;

BE IT THEREFORE ORDAINED by the Sellersburg Town Council that the following purchasing policies are hereby established for the Town of Sellersburg, Indiana.

SECTION I. INVITATION FOR BIDS. All notices of invitation for bids shall be published in accordance with I.C. 5-3-1 in the Jeffersonville Evening News and posted at the Sellersburg Town Hall.

The Clerk-Treasurer shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of bids. The notice will be published two (2) times, at least one week apart. The second publication must occur at least ten (10) days prior to the date the bids will be opened.

SECTION II. REQUEST FOR PROPOSALS. All requests for proposals shall be published in accordance with I.C. 5-3-1 in the Jeffersonville Evening News and posted at the Sellersburg Town Hall.

The Clerk-Treasurer shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two (2)

times, at least one week apart. The second publication must occur at least ten (10) days prior to the date the bids will be opened.

SECTION III. REQUEST FOR SPECIFICATIONS. All notices of request for specifications shall be published in accordance with I.C. 5-3-1 in the Jeffersonville Evening News and posted at the Sellersburg Town Hall.

The Clerk-Treasurer shall schedule the publication of notice to provide a reasonable amount of time for preparation and submission of proposals. The notice will be published two (2) times, at least one week apart. The second publication must occur at least ten (10) days prior to the date the bids will be opened.

SECTION IV. ELECTRONIC NOTICES. Whenever a notice or other material, including specifications, invitation for bids, request for proposal, is sent by mail, the purchasing agent may also send the notice or other material by electronic means, provided that the transmission of the information is at least as efficient as mailing the information.

SECTION V. OPENING BIDS. Bids received in response to an invitation for bids must be opened publicly in the presence of at least one or more witnesses at the time and place designated in the invitation for bids.

Proposals received in response to an request for proposals must be opened so as to avoid disclosure of the contents to competing offerors during the process of negotiation.

Proposals received in response to a request for specifications may be opened as specified in the request for specifications.

SECTION VI. ELECTRIC RECEIPT OF OFFERS. The purchasing agency may receive electronic offers in response to an invitation to bid, request for proposals or request for specifications.

An electronic offer may only be deemed received if:

A. the solicitation includes the procedure for the electronic transmission of the offer;

and

B. the purchasing agency receives the offer on a fax machine or other system with a security feature that protects the contents of the electronic offer with the same degree of protection as provided an offer not transmitted electronically.

SECTION VII. CORRECTION AND WITHDRAWAL OF BIDS. An offeror may correct inadvertent errors in a bid up to the time which bids will be opened by supplementing the erroneous bid and submitting a revised bid.

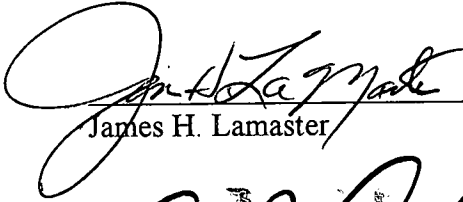
A bidder may withdraw a bid containing inadvertent errors up to the time which bids will be opened and for a period of not more than 24 hours after the time which the bids were opened.

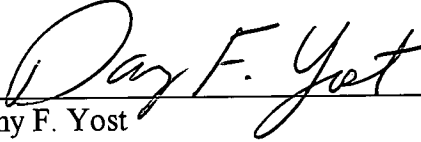
SECTION VIII. CANCELLATION OF SOLICITATION. When the purchasing agent makes a written determination that it is in the Town's best interest, the purchasing agent may cancel a solicitation or reject all offers, provided that the solicitation included information concerning the procedure for cancellation.

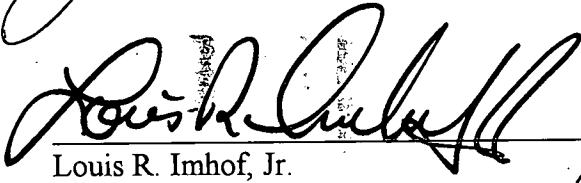
SECTION IX. SMALL PURCHASES. The purchasing agent may purchase supplies with an estimated cost not to exceed \$5,000 on the open market without inviting or receiving quotes.

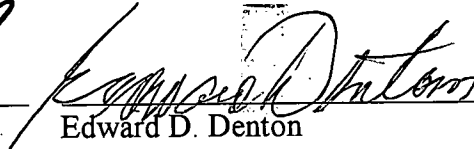
This ordinance is effective upon passage and signing by the presiding president.

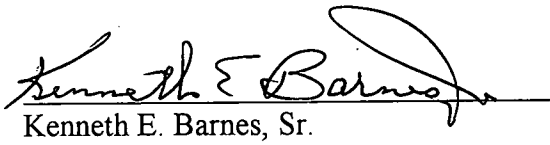
SO ORDAINED on the 10<sup>th</sup> day of December, 2001.

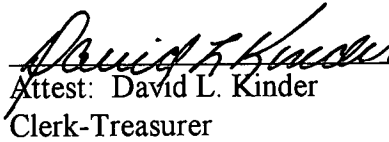
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001- 031

AN ORDINANCE ESTABLISHING PURCHASING RULES FOR THE  
TOWN OF SELLERSBURG, INDIANA, IN REGARD TO COUNTRY OF ORIGIN FOR THE  
MANUFACTURER OF SUPPLIES TO BE PURCHASED

WHEREAS, I.C. 5-22 (the "Act") applies to every expenditure of public funds by a governmental body;

WHEREAS, the Town of Sellersburg, Indiana, is a governmental body under the Act; and

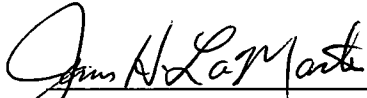
WHEREAS, the Act authorizes the Town to establish certain purchasing rules and policies for the Town;

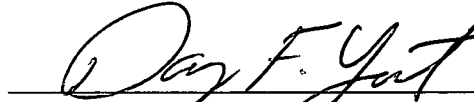
BE IT THEREFORE ORDAINED by the Sellersburg Town council that supplies manufactured in the United States shall be specified for all Town of Sellersburg purchases and such supplies shall be purchased unless the Town Council determines that:

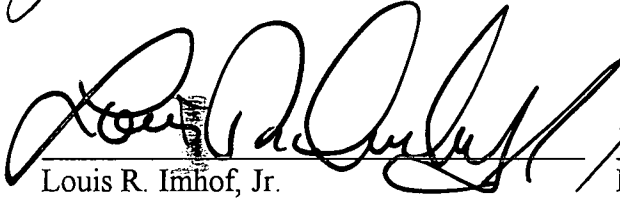
- A. the supplies required are not manufactured in the United States in reasonably available quantities;
- B. the prices of the required supplies manufactured in the United States exceed the price of available and comparable supplies manufactured elsewhere by an unreasonable amount;
- C. the quality of the needed supplies manufactured in the United States is substantially less than the quality of comparably priced available supplies manufactured elsewhere;
- D. the purchase of supplies manufactured in the United States is not in the public interest.

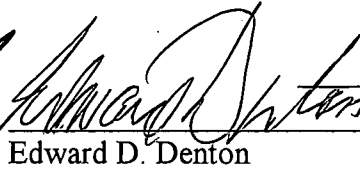
This ordinance is effective upon passage and signing by the presiding president.


SO ORDAINED on the 10 day of December, 2001.

  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder, Clerk-Treasurer

ORDINANCE NO. 2001- 032

AN ORDINANCE DEFINING SMALL BUSINESS SET-ASIDE  
PURCHASES AND INDIANA BUSINESS PREFERENCE IN REGARD TO  
PURCHASING RULES AND POLICIES OF THE TOWN OF  
SELLERSBURG, INDIANA

WHEREAS, I.C. 5-22 (the "Act") applies to every expenditure of public funds by a governmental body;

WHEREAS, the Town of Sellersburg, Indiana, is a governmental body under the Act; and

WHEREAS, the Act authorizes the Town to establish certain purchasing rules and policies for the Town;

BE IT THEREFORE ORDAINED by the Sellersburg Town Council that:

SECTION I. SMALL BUSINESS ET-ASIDE PURCHASES.

The Town Council hereby establishes criteria for determining qualifications as a small business and to identify specific supplies for small business set-aside purchases:

A. Qualification. A business qualifies as a small business if it qualifies as a small business under the standards established by the Indiana Department of Commerce.

B. Business Not Eligible. The following businesses are not eligible for the Town of Sellersburg's small business set-aside:

1. a wholesale business with average annual sales for the most recently completed fiscal year in excess of \$4 Million.

2. a construction business with average annual receipts for the preceding three fiscal years in excess of \$4 Million .

3. a retail business or a business selling services with annual sales and receipts which exceed \$500,000.

4. a manufacturing business which employs more than 100 persons.

C. Specific Supplies Eligible for Small Business Set-Asides. The Purchasing Agency may from time to time designate, in writing, specific supplies which are eligible for Small

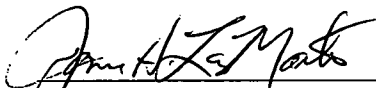
Business set-asides.

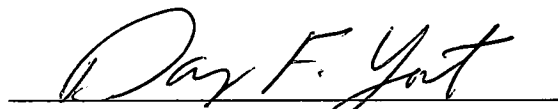
SECTION II. INDIANA BUSINESS PREFERENCE.

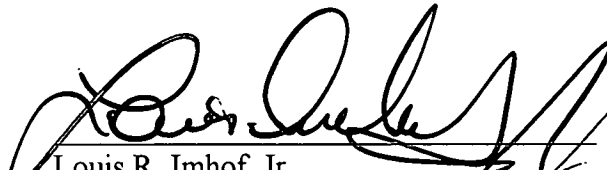
A. Qualification. An offeror is an Indiana business if it is incorporated in Indiana or registered as a domestic corporation or limited liability company with the Indiana Secretary of State, owned by an Indiana resident or residents, and has its principal place of business and corporate headquarters in the State of Indiana.


This ordinance is effective upon passage and signing by the presiding president.


SO ORDAINED, on the 10 day of December, 2001.

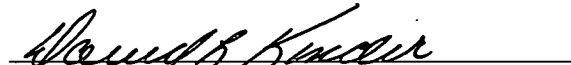
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder, Clerk-Treasurer



ORDINANCE NO. 2001-033

AN ORDINANCE ESTABLISHING PURCHASING AGENCY AND  
PURCHASING AGENT FOR THE TOWN OF SELLERSBURG,  
INDIANA, AND OTHER MATTERS RELATING THERETO

WHEREAS, I.C. 5-22 (the "Act"), as enacted by the 1997 and 1998 General Assemblies, and as amended from time to time thereafter, applies to every expenditure of public funds by a governmental body; and

WHEREAS, the Town of Sellersburg, Indiana, is a governmental body under the Act; and

WHEREAS, the Act authorizes the Town Council to establish a purchasing agency for the Town; and

WHEREAS, the Town Council desires to establish a purchasing agency for the Town,

BE IT THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that:

1. The Town Council for the Town of Sellersburg is hereby designated as the purchasing agency for the Town of Sellersburg, Indiana.
2. The purchasing agency shall have all the powers and duties authorized under I.C. 5-22, as may be amended from time to time by law, or supplemented from time to time by ordinance adopted by the Town Council, and policies adopted by the purchasing agency.
3. The purchasing agency shall act as the purchasing agency for every agency, board, office, branch, bureau, commission, council and department of the Town. The Town Council designates the following to act as purchasing agents for the Town: the Clerk-Treasurer, the Head of the Parks Department, the Head of the Street Department, the Chief of the Police Department, and the Building Commissioner and the manager of the Sewer and Water Facilities.
4. The purchasing agent(s) may purchase supplies with an estimated cost of up to \$5,000.00 on the open market without inviting or receiving quotes or bids. If quotes or bids are

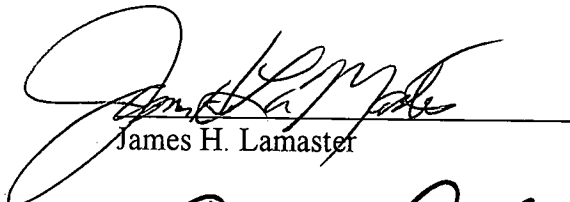
received a copy therefore should be submitted to the Town Council and Clerk-Treasurer.

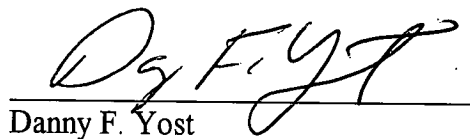
5. It is hereby determined that each agency or department of the Town may purchase services in whatever manner the purchasing agent determines to be reasonable.

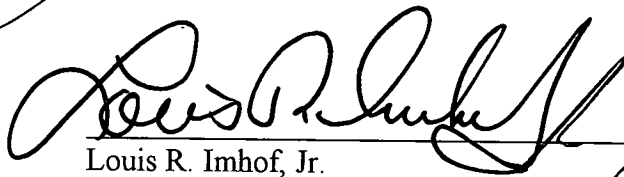
6. This ordinance is effective on January 1, 2002, the effective date of the Act, adopted by the Town Council of the Town of Sellersburg, Indiana on this 10<sup>TH</sup> day of

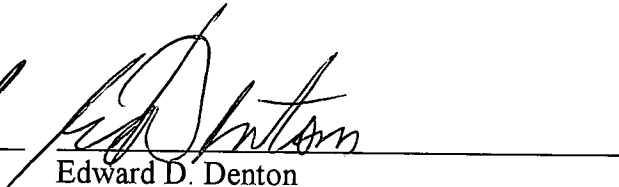
DECEMBER, 2001.

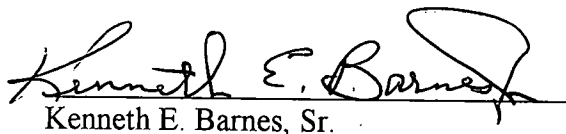
SO ORDAINED this 10<sup>th</sup> day of December, 2001.

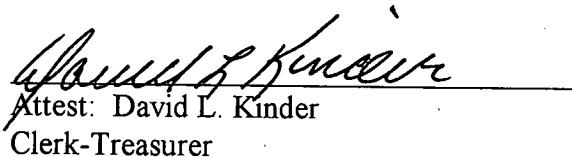
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder  
Clerk-Treasurer

ORDINANCE NO. 2001- 034

AN ORDINANCE ESTABLISHING PURCHASING RULES AND  
POLICIES IN THE TOWN OF SELLERSBURG, INDIANA

WHEREAS, I.C. 5-22 (the "Act"), applies to every expenditure of public funds by a governmental body; and

WHEREAS, the Town of Sellersburg, Indiana, is a governmental body under the Act; and

WHEREAS, the Act authorized the Town Council to establish certain purchasing rule and policies for the Town.

BE IT THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that:

SECTION I. PROTECTION OF OFFERS: STATUS OF DOCUMENTS AS PUBLIC RECORDS

A. Protection of Offers to Opening. The Clerk-Treasurer of the Town of Sellersburg, as purchasing agent under the Act, shall retain all offers received in a secure location prior to the date and time at which offers will be opened in order to prevent disclosure of the contents prior to the opening of the offers.

B. Unobstructed Evaluation of Offers. After offers have been opened, the purchasing agent shall be responsible for maintaining the offers in such a manner as to permit evaluation of the offers by the persons responsible for evaluating the offers.

C. Public Records Status of Bids. Bids submitted in response to an invitation for bids must be made available for public inspection and copying after the time of the bid opening, unless the bid opening is delayed, as authorized in this ordinance or other statute or ordinance.

D. Register of Proposals. The purchasing agent shall prepare a register of proposals for each request for proposals issued which shall contain information concerning the proposals available for public inspection and copying. Proposals may not be disclosed.

SECTION II. DISCUSSIONS WITH OFFERORS RESPONDING TO A REQUEST FOR PROPOSALS.

The purchasing agent may conduct discussions with, and best and final offers may be obtained from responsible offerors who submit proposals determined to be reasonably susceptible of being selected for a contract award.

### SECTION III. DELAY OF OPENINGS OF OFFERS.

When the Town Council makes a written determination that is in the Town's best interest, offers may be opened after the time stated in the solicitation. The date, time and place of the rescheduled opening must be announced at the time and place of the originally scheduled opening.

### SECTION IV. EVIDENCE OF FINANCIAL RESPONSIBILITY.

A. Purchases Less Than \$25,000. The purchasing agent may not require evidence of financial responsibility when the estimated cost of a purchase is less than \$25,000.

B. Purchases Between \$25,000 and \$100,00. The solicitation may include a requirement that an offeror provide evidence of financial responsibility. If evidence of financial responsibility is required, the solicitation must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.

C. Purchases Over \$100,000. The Solicitation shall include a requirement that an offeror provide evidence of financial responsibility and must indicate the kind of evidence that will be acceptable. If a bond or certified check is required, it may not exceed ten percent (10%) of the estimated cost of the purchase.

D. Small Business Set-Asides. The purchasing agent may determine that no evidence of financial responsibility shall be required for a small business set-aside purchase.

### SECTION V. USE OF REQUEST FOR PROPOSALS (RFP) FOR PURCHASES OF DESIGNATED TYPES OF SUPPLIES.

The Sellersburg Town Council determines that it is either not practical or not advantageous to purchase certain types of supplies by sealed competitive bidding, and receiving proposals is the preferred method for purchasing certain types of supplies. The Town Council may designate such in writing.

### SECTION VI. MODIFICATION AND TERMINATION OF CONTRACTS.

A. Price Adjustments. The Sellersburg Town Council, as purchasing agent, may include provisions to permit price adjustments in a purchase contract. The following provisions for price adjustments may be included:

1. Price adjustments must be computed by agreement of a fixed price adjustment before the beginning of the pertinent performance or as soon after the beginning or performance as possible;

2. Price adjustments must be computed by unit prices specified in the contract or subsequently agreed upon;

3. Price adjustments must be computed by costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as specified in the contract or subsequently agreed upon;

4. Price adjustment must be computed in such other manner as the contracting parties may mutually agree upon; or

5. In the absence of agreements by the parties, price adjustments must be computed by a unilateral determination of the Town of Sellersburg of the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed by the Town of Sellersburg of the costs attributable to the events or situations under such clauses with adjustment of profit or fee, all as computed by the Town of Sellersburg in accordance with applicable ordinances adopted by the Town.

B. Adjustments in Time of Performance. The purchasing agent may include provisions in a purchase contract concerning adjustment for time of performance under the contract.

C. Unilateral Rights of the Town of Sellersburg. The purchasing agent may include in a purchase contract provisions dealing with the unilateral right of the Town, the purchasing agent, or the president of the Town Council, to order changes in the work within the scope of the contract or to order temporary work stoppage or delays in time of performance.

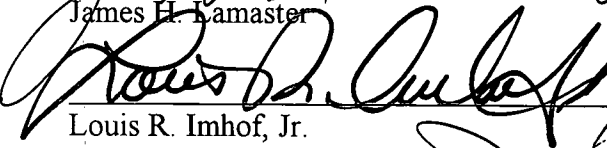
D. Quality Variations. The purchasing agent may include in a purchase contract provisions dealing with variations between the estimated quantities of work in a contract and the actual quantity delivered.

This ordinance is effective upon passage and signing by the Town Council.

SO ORDAINED, on the 10<sup>th</sup> day of December, 2001.

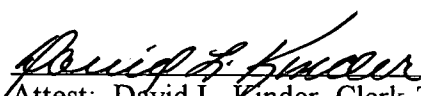
  
James H. Lamaster

  
Danny F. Yost

  
Louis R. Imhof, Jr.

  
Edward D. Denton

  
Kenneth E. Barnes, Sr.

  
Attest: David L. Kinder, Clerk-Treasurer

VOTED  
DOWN

ORDINANCE NO. 2001- 035

ORDINANCE AUTHORIZING TOWN OF SELLERSBURG ELECTED  
OFFICIALS OR APPOINTED OFFICER TO RECEIVE INSURANCE BENEFITS  
THROUGH THE TOWN OF SELLERSBURG  
HEALTH, DENTAL AND LIFE INSURANCE PROGRAM

WHEREAS, the Town of Sellersburg has elected to provide health, dental, and life insurance benefits for the Town of Sellersburg employees; and

WHEREAS, in addition to full time-employees of the Town of Sellersburg, the Town Council for the Town of Sellersburg intended to make health, dental, and life insurance benefits available to elected officials or appointed officers of the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg inadvertently and mistakenly did not enact an ordinance authorizing elected officials or appointed officers of the Town of Sellersburg to receive health, dental, and life insurance benefits; and

WHEREAS, the Town Council for the Town of Sellersburg desires to pass the herein ordinance to ratify decision of the Town of Sellersburg Town Council to provide health, dental, and life insurance benefits to elected officials or appointed officers of the Town of Sellersburg; and

WHEREAS, the Town Council for the Town of Sellersburg desires to maintain the status quo as it concerns health, dental and life insurance benefits currently being provided to elected official and appointed officers of the Town of Sellersburg; and

WHEREAS, the cost of said health, dental and life insurance benefits for an elected official or appointed officer shall be the same as the cost expended by the Town of Sellersburg to provide said insurance benefits to a regular Town employee; and

WHEREAS, the term "appointed officer" does not include any citizen members appointed to any Town Boards or Commissions of any kind.

WHEREAS, the herein ordinance ratifies the Town of Sellersburg's election to provide health, dental, and life insurance benefits to Town of Sellersburg elected officials and appointed officers and shall be made retroactive to January 1, 2000; and

WHEREAS, the Indiana State Board of Accounts has been contacted in regard to the herein ordinance and have advised the Sellersburg Town Council that the herein ordinance is the proper manner to ratify and make retroactive the Town of Sellersburg election to provide health, dental and life insurance benefits for elected officials and appointed officers for the Town of Sellersburg; and

WHEREAS, the herein ordinance is necessary for the efficient and effective administration of Town government; and

WHEREAS, this matter was considered at an open meeting to which the public were invited to attend and participate;

BE IT NOW THEREFORE ORDAINED by the Town Council for the Town of Sellersburg that health, dental, and life insurance benefits shall be made available to elected officials and appointed officers for the Town of Sellersburg;

BE IT IS FURTHER ORDAINED the herein ordinance shall ratify the previous action of the Town of Sellersburg providing health, dental and life insurance benefits to elected officials and appointed officers for the Town of Sellersburg; and

BE IT FURTHER ORDAINED that the herein ordinance shall be and is hereby ordered retroactive to January 1, 2000;

BE IT FURTHER ORDAINED by the Town Council for the Town of Sellersburg that the receipt of health, dental and life insurance by an elected officials or appointed officer of the

Town of Sellersburg shall be at the election of said elected official or appointed officer; however the failure to utilize said health, dental and life insurance shall not entitle the elected official to receive additional compensation equal to the value of said insurance benefits in lieu of enrolling for said insurance benefits.

So ordained this \_\_\_\_\_ day of \_\_\_\_\_, 2001.

James H. Lamaster

Danny F. Yost

Louis R. Imhof, Jr.

Edward D. Denton

Kenneth E. Barnes, Sr.

Attest: David L. Kinder  
Clerk-Treasurer

*NOT APPROVED*